

**SCHNEIDER, KORNZE, KASTNER, AND  
WILLIAMS NOMINATIONS**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON**  
**ENERGY AND NATURAL RESOURCES**  
**UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

TO

CONSIDER THE NOMINATIONS OF MS. JANICE M. SCHNEIDER, ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT), DEPARTMENT OF THE INTERIOR; MR. NEIL G. KORNZE, DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR; DR. MARC A. KASTNER, DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY; DR. ELLEN D. WILLIAMS, DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY

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## **SCHNEIDER, KORNZE, KASTNER, AND WILLIAMS NOMINATIONS**

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**TUESDAY, DECEMBER 17, 2013**

U.S. SENATE,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:42 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Ron Wyden, chairman, presiding.

### **OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM OREGON**

The CHAIRMAN. The committee now moves to consider 4 very well-qualified nominees.

Janice Schneider has been nominated to be the Assistant Secretary of the Interior for Land and Minerals Management.

Ms. Schneider is currently a partner with the law firm of Latham and Watkins where she chairs the firm's Environment, Land and Water Resources Committee. She co-chairs the Energy and Infrastructure Project Siting practice. She was a counselor to the Deputy Secretary of the Interior, David Hayes, from 2000 to 2001 and was a trial attorney in the Environment and Natural Resources division of the Justice Department from 1998 through 1999.

Neil Kornze has been nominated to be the Director of the Bureau of Land Management.

He's been the Senior Advisor in the Bureau of Land Management since January 2011, its Acting Deputy Director for Policy and Programs since October 2011 and its Principle Deputy since March 1st of this year.

Before joining the Department of the Interior, Mr. Kornze held a succession of increasingly senior positions in the Office of Majority Leader Reid from 2003 to 2011. We're pleased that the Majority Leader is joining us here this morning.

Marc Kastner has been nominated to be the Director of the Office of Science at the Department of Energy.

The Doctor is a physicist who has been on the faculty for the Massachusetts Institute of Technology for the past 40 years. He became a full professor in 1989, the head of the Physics Department in 1998, and has been the Dean of the School of Science since 2007.

Dr. Ellen Williams has been nominated to be the Director of the Advanced Research Projects Agency -Energy, at the Department of Energy.

She is currently on leave from the University of Maryland where she's been a Professor of Physics since 1991. Since 2010 she has been the Chief Scientist for BP.

My view is that all 4 of the nominees are highly qualified for the positions they've been nominated for. I look forward to hearing more about their thoughts on key issues.

Let me recognize Senator Murkowski for her statement at this point. Then I want to call on the Majority Leader and Senator Heller to introduce Mr. Kornze. Then we have some formalities to take care of with respect to the nominees.

But let me recognize Senator Murkowski.

**STATEMENT OF HON. LISA MURKOWSKI, U.S. SENATOR  
FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman.

I think we here in this Energy Committee have been spending a lot of time, probably an extraordinary amount of time, on nominations lately. I think what we're seeing this morning moving forward 3 nominees after a thorough and good vetting process. This is important.

The opportunity to take up an additional 4 this morning from the Department of Energy, the Department of the Interior, is good. It's important.

A lot of discussion on the Floor of late about nominations, but I think our committee, most certainly has taken the issue of those nominees in front of us, given them, a fair consideration and really worked it through the process, as I believe is so important. So I thank you for that.

I'd like to welcome each of our distinguished nominees to the committee. Thank you for your willingness to serve.

Dr. Kastner, Dr. Williams, we didn't get an opportunity to visit personally. But your credentials are certainly impressive. As I noted at last week's confirmation hearing, I think that Dr. Moniz is assembling a pretty top notch team to assist him with the important work being done by the Energy Department. So I'm pleased with what I'm seeing coming forward out of DOE.

Mr. Kornze, I enjoyed our meeting last week. I'm very encouraged by your willingness to go up, be on the ground, see what the issues are in my State. As I've mentioned it's probably going to consume a lot more of your time than you might want. But you'll have fun.

I can guarantee you that. They'll be some good trips there. But it's a lot of hard work. So I appreciate your willingness to learn and give the kind of commitment that I'm looking for in a Federal land manager for this country.

Ms. Schneider, I appreciate the opportunity that you and I had to visit. As I mentioned, I don't know you as well as Mr. Beaudreau, who is currently acting in the position for which you are now nominated. I think that Mr. Beaudreau was doing a good job there. But he's now slated to move over to Policy, Management and Budget.

But because the Assistant Secretary for Lands and Minerals Management has such a significant role in Alaska and in, really, in energy resource development nationwide, I want to make sure

that I really do know the direction that you will take in this position and understand better your qualities, your qualifications and priorities for the position.

With that, Mr. Chairman, I look forward to the testimony and the responses to our questions from the nominees this morning.

The CHAIRMAN. Thank you, Senator Murkowski.

Let me now call on Senator Reid and Senator Heller to introduce Mr. Kornze.

We're glad to have the Majority Leader here. He has a long record of involvement in Western resource issues and Mr. Leader, proceed as you wish.

**STATEMENT OF HON. HARRY REID, U.S. SENATOR  
FROM NEVADA**

Senator REID. Chairman Wyden, thank you very much.

Ranking Member Murkowski and wow, this is great to have so many members here. This is nice.

Mr. Chairman, it was good for me to sit and listen to the quality of these 4 people. It's really astounding that we have, with all the things going on in our country today, we have these good people who are willing to take these jobs. I think that's remarkably important for us.

The Bureau of Land Management, to most people, doesn't mean a thing because it is an agency that is focused on, mostly, the West. The State of Nevada, 87 percent of the land in the State of Nevada is owned by the Federal Government, more than any other State and the vast majority of that 87 percent is Bureau of Land Management land. Having been involved in government for a number of years, the Bureau of Land Management is looked upon as a remarkably sound agency compared to what it was 20 years ago.

Twenty years ago the Bureau of Land Management had a lower approval rating than the Internal Revenue Service. But they've done a good job of becoming more modern.

Now Neil Kornze is somebody that is just perfect for the job, raised in rural Nevada, Elko County.

Nevada has 17 counties. But in the northeastern part of the State is a large county that is really a remarkably beautiful place. It now has more mining in it than any place in America. The State of Nevada produced about 6 million ounces of gold last year and much of it came from Elko County.

But in addition to that we have beautiful ranches. Some of them are quite famous. Bing Crosby had a big ranch there and a lot of movie actors. But these ranches, even though they were owned by some of these celebrities, were always working ranches.

Elko County has beautiful wilderness area. The first wilderness we had in the State of Nevada was a long time ago in a place called Jarbridge which is a wonderfully beautiful, pristine area.

The State of Nevada is a very mountainous State, more mountainous than any State in the Union except for Alaska. We have more than 300 mountain ranges in Nevada.

We have a wide range of animals. Elko County has it all. We have mountain goat and mountain sheep there and all kinds of things. But the only place that I know of in the Western part of the United States, other than South Dakota, there could be other

places, but we in Nevada are very proud that in Elko County we have mountain goats in addition to all the other animals we have.

So it's a beautiful State and a beautiful county.

Neil was born and raised in Elko County. He really does understand the role of rural America.

He has a master's degree in International Relations from London School of Economics. He has, as indicated here, spent a lot of time in my office. The staff cared a great deal about him and you can always tell what kind of a staffer you have by how other members of the staff feel about him or her.

So he understands to develop policy in the Western part of the United States you have to have consensus. There's a lot of competing interest there. He understands that.

Frankly, he and I have learned a lot of that together. You just can't charge forward and do what you know is right because you may be wrong. He understands that.

He's been with the Bureau for some time now. His expertise is going to be invaluable to the Bureau of Land Management.

Senator Heller has represented, as a Member of Congress, rural Nevada, the northern part of the State which is the Congressional District that he was a Member of Congress. I can speak for Dean, but he'll speak for himself, this is, again, an unusually qualified person for the Bureau of Land Management. He has his Nevada roots but he understands the West remarkably well.

As Senator Murkowski has said, he is a person who will be on the ground trying to figure out the best thing to do.

So, I have every bit of confidence in Neil Kornze that he will be the best Director we've ever had at the Bureau of Land Management.

The CHAIRMAN. I thank the Majority Leader. You and I have talked about Elko in the past. Now I can tell my children about the goats.

[Laughter.]

The CHAIRMAN. Because now somehow I had missed that part of the account.

But thank you very much. I very much share your view, Mr. Leader, with respect to Neil Kornze. As you know he was invaluable to us to the various challenges dealing with Secure Rural Schools. We'll be talking about that.

Mr. Leader, I know you've got your hands full today. We welcome you to stay for as long as you wish.

Senator REID. I'm going to stay and listen to my colleague, Dean.

The CHAIRMAN. Very good.

Very good.

Senator Heller.

Thank you for your cooperation on this as well.

#### **STATEMENT OF HON. DEAN HELLER, U.S. SENATOR FROM NEVADA**

Senator HELLER. Chairman Wyden, thank you and Ranking Member Murkowski.

It's also a pleasure to join Senator Reid in introducing Neil Kornze.

It would be my preference if I had been at the witness table. Unfortunately the mobility of my foot, it wouldn't be fair to this committee to have you endure me moving back and forth in crutches. So please abide with me as I make my statements from up here.

But again, I appreciate the comments that Senator Reid has made and his comments about Neil.

Neil is a Nevadan. Neil was born and raised in Elko, as the Leader said. I also echo that Elko is one of Nevada's most vibrant rural communities which I believe gives Neil a firsthand perspective of the challenges that Nevada and other Western States face regarding our vast public lands because, as mentioned, BLM controls roughly 67 percent of Nevada's land. Our ability to access and use these public lands is vital to our State and has an enormous impact on Nevada's economy.

As a Nevadan Neil understands that good public land management, economic development are not mutually exclusive and has taken this sensibility throughout his career.

Senator Reid and I have worked closely to find solutions to issues facing Nevada, particularly when it comes to the appropriate use of Nevada's public lands and natural resources. My staff and I have enjoyed a good relationship with Neil during his tenure in Senator Reid's office. We collaborated to do what is best for the people of Nevada on a variety of public lands issues including renewable energy development, mining, water, outdoor recreation, rural development and wildlife.

Our working relationship has continued during his tenure at BLM. Neil understands the importance of working together, has displayed maturity and wisdom beyond his years which he will need as he officially takes the helm of the Bureau of Land Management.

While I've not always agreed with him on policy, he has proven to be a good partner on public land management issues. His pragmatic nature, his background, provides him with a fresh perspective as the head of the BLM which allows him to think outside the box to find ways to maximize resources, produce good outcomes. These attributes will be especially important as we wade into many difficult issues such as wildfires, resource development and conservation and especially management decisions impacting sage grouse and their habitat.

As it relates to sage grouse it bears to mention that an ESA listing for the bird would have a devastating impact on Nevada's fragile economy statewide. Given this it's imperative that Nevada has the cooperation of the BLM Director as well as other relevant Federal agencies. Neil has committed to me that he'll continue to work together on this issue. I'm depending on that commitment as I know my fellow Nevadans are.

The stakes are too high. We have a lot of work to do. So I'm confident that if confirmed by the Senate, Neil will continue to successfully manage the BLM, bring a much needed fresh perspective to an agency facing many challenges that directly impact Nevada and many of my colleagues on this committee.

Again, thank you, Mr. Chairman. I want to thank all those that are with us today. I want to thank Senator Reid also for his testimony.

By the Neil, it's good to have your wife here with you also.  
So, thank you.

The CHAIRMAN. Senator Heller, thank you.

Senator Reid, thank you as well for attending.

The rules of the committee apply to all nominees require that they be sworn in connection with their testimony. Could each of you rise and raise your right hand?

Do you solemnly swear the testimony you're about to give to the Senate committee on Energy and Natural Resources shall be the truth, the whole truth and nothing but the truth, so help you God?

[Witnesses respond, I do.]

The CHAIRMAN. Before you begin your statements there are 3 questions that each of you will have to address.

The first question is, and we need a response from each of you, will you be available to appear before this committee and other congressional committees to represent Departmental positions and respond to issues of concern to the Congress?

[Witnesses respond, I will.]

The CHAIRMAN. Are you aware of any personal holdings, investments or interests that could constitute a conflict of interest or create the appearance of such a conflict should you be confirmed and assume the office to which you've been nominated by the President?

[Witnesses respond, no.]

The CHAIRMAN. Are you involved or do you have assets held in a blind trust?

[Witnesses respond, no.]

The CHAIRMAN. Alright.

We'd like to ask each of you to introduce your family members.  
Dr. Williams, go ahead.

Ms. WILLIAMS. I'm very pleased to have here today my mother, Lois Williams and my husband, Neil Gehrels, also quite a few people I believe from my family are watching these proceedings online.

The CHAIRMAN. Very good.

Dr. Kastner.

Mr. KASTNER. With me today is my wife of 46 years, Marcia Kastner, who had a job as supervising all the standardized mathematics tests for the Commonwealth of Massachusetts school children.

Also with me are my two daughters, one from California and one from New York, and my two sisters and their partners, one from Maryland and one from North Carolina.

The CHAIRMAN. Very good.

You, Ms. Schneider.

Ms. SCHNEIDER. Thank you, Senator.

With me is my mother, my sister, Lisa, my partner, Cynthia Johnson of 23 years. I'd also like to acknowledge my Latham family which is way in the back, a large contingent. You spend a lot of hours at a law firm and they're like family.

The CHAIRMAN. We saw the room was full. You brought them out.

[Laughter.]

Ms. SCHNEIDER. Yes.

I'd also like to acknowledge my extended family watching on the web in Colorado and Texas.

The CHAIRMAN. Very good.

Mr. Kornze.

Mr. KORNZE. Thank you, Chairman.

I'm so pleased to introduce my wife, Mara Gassmann, who is with me today. We also online have family watching from Nevada, Colorado, Idaho, Utah and Georgia.

The CHAIRMAN. Very good.

In order of seniority I think we probably should start with you, Ms. Schneider. You've been nominated to be the Assistant Secretary of Interior for Land and Minerals Management.

We'll recognize you for your statement. If you could keep it to around 5 minutes, we'll make your prepared statement a part of the record in its entirety.

**STATEMENT OF JANICE M. SCHNEIDER, NOMINEE TO BE ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT), DEPARTMENT OF THE INTERIOR**

Ms. SCHNEIDER. Thank you, Mr. Chairman, Ranking Senator Murkowski and members of the committee, it's an honor to be considered for the position of Assistant Secretary for Land and Minerals Management at the U.S. Department of the Interior. I don't typically sound like this. I came down with a bug over the weekend, so I ask for your indulgence as I work through this brief summary.

First, I'd like to thank Secretary Jewell and President Obama for giving the opportunity, with your consent, to serve the American people in this position.

I second would like to thank David J. Hayes. David has been an enormous influence on me. I always try to conduct myself with the same levels of integrity, candor and hard work as he does.

Distinguished members of the committee allow me to summarize my background for you briefly and its relevance to this position.

Although I spent my childhood in New York City, my career has had a constant focus on natural resource use, development and conservation issues across the country. In over 30 years I've worked successfully with States, tribes, industry, conservation groups and other stakeholders on a broad range of projects. Balance, attention to stakeholder needs, strong science, open and transparent communication, the ability to listen and a willingness to collaborate are the elements to being successful and to minimizing litigation.

My undergraduate education as a double science major and work for 6 years as a marine biologist in South Florida formed the foundation for a strongly analytical and science based approach to my work. Working on coastal issues I was increasingly faced with laws and regulations I wanted to understand better. So I loaded everything I had into my hatchback, moved out to Oregon for law school.

There, working in law school.

Excuse me?

The CHAIRMAN. Good decision.

[Laughter.]

Ms. SCHNEIDER. Go Ducks! Ha Ha.

Working in law school for the Oregon Department of Justice on natural resource issues I was hooked. I also learned important lessons on State's rights and that State's perspectives may differ from Federal and tribal perspectives.

As a young attorney I practically grew up in the hallways of Interior.

Graduating from law school I was honored to be selected during President George H.W. Bush's Administration for the Interior Solicitor's Office Honors Program. In my 8 and a half years in Federal service, which included a detail to the Deputy Secretary's office and as a litigator with the Justice Department, I worked on with all of the department's agencies and many of the agencies outside of the Department. I understand their diverse missions and their broad ranging responsibilities.

After about 8 and a half years of Federal service I went into private practice. I'm now an equity partner at Latham and Watkins. For the last 12 years I've focused on energy issues. I've worked closely with those who generate and transmit energy, those who provide important resources for this Nation's growth and security and those who finance these projects.

I strongly believe that energy independence is vital to this Nation's security. I understand that if confirmed the agencies I would oversee play a critical role, not only in getting us there, but in also creating jobs and providing economic security across the country.

Nonetheless resource development must and can be conducted in a balanced, environmentally sound and sustainable way. All Federal decisions need to be science based and take diverse views into consideration.

I strongly support the President's all of the above energy strategy and the need for a renewable and conventional resources both on-shore and offshore. I've personally worked on coal projects, upstream and midstream oil and gas projects, wind, solar, geothermal projects, LNG development, hard rock and leasable mineral development, refinery issues and extensive transmission and pipeline work on public and private lands.

These projects are not easy. They are high stake, billion dollar projects. They're multifaceted. They raise complex issues and have significant stakeholder components.

I understand the business need for efficiency and predictability for both project developers and financial institutions. I also understand that these needs must be balanced with environmental protection and with community engagement.

These are not mutually exclusive goals. I am proudest when we are able to work issues out with a broad range of stakeholders and avoid litigation.

I've also worked on many conservation projects as detailed in my written statement. I have over 20 years of experience with American Indian issues. So I understand the Federal Government's responsibility to honor tribal views, protect trust and treaty resources. If confirmed I will bring this balanced and experienced approach to this office.

Finally, I appreciate that public lands are also critically important recreation areas. I love being outdoors. I've detailed some of my exploits in my written statement.

Many have asked why I would consider leaving a strong and successful law practice. The answer is simple. I believe in public service. I believe that I can contribute to these issues in a balanced and transparent way.

If confirmed I look forward to working with each of you on this committee with Congress and stakeholders.

Thank you, Mr. Chairman, distinguished members of the committee. I'm happy to take any questions you may have.

[The prepared statement of Ms. Schneider follows:]

PREPARED STATEMENT OF JANICE M. SCHNEIDER, NOMINEE TO BE ASSISTANT SECRETARY OF THE INTERIOR (LAND AND MINERALS MANAGEMENT), DEPARTMENT OF THE INTERIOR

Thank you Mr. Chairman, Ranking Senator Murkowski, and members of the committee. It is an honor to be considered for the position of Assistant Secretary for Land and Minerals Management at the U.S. Department of the Interior, and an honor to appear before you today.

First, I want to thank Secretary Jewell and President Obama for giving me the opportunity, with your consent, to serve the American people in this position.

Second, I would like to acknowledge my family and friends in the audience, including my mother; my partner Cynthia Johnson; my sister; and my dad and the rest of my extended family watching from Colorado and Texas for all of their love and support. I would not be here today without you.

Third, I want to thank David J. Hayes. David has been an enormous influence. I always try to conduct myself with the same levels of integrity, candor and hard work as he does. I would also like to thank my many other friends, including my colleagues and partners at Latham & Watkins LLP and my clients, for the opportunities we have shared together.

Distinguished Members of the Committee, allow me to summarize my background for you and its relevance to this position:

Although I spent my childhood in New York City, my career has had a consistent focus on natural resource use, development, and conservation issues across the country.

In over 30 years, I have worked successfully with states, tribes, industry, conservation groups and other stakeholders on a wide variety of projects. Balance, attention to stakeholder needs, strong science, open and transparent communication, the ability to listen, and a willingness to collaborate, are the elements to being successful and minimizing litigation.

I have always been drawn to the sciences and the natural environment. My undergraduate education as a double science major, and work for six years as a marine biologist in south Florida, formed the foundation for a strongly analytical and science based approach to my work.

I began my professional career as a research biologist in south Florida investigating population and abundance of commercially and recreationally important fish species—such as stone crab, swordfish, sardines in the Gulf of Mexico, and shrimp—to support sustainable use strategies. At the University of Miami's experimental fish hatchery, I worked to develop techniques to support viable fish stocking of snook, a popular game fish, which was then in decline. I also worked on oceanographic cruises in the Straits of Florida, mapping the location of ocean density layers, and for the National Park Service down at Everglades National Park.

As a professional, I transitioned to managing teams assessing the environmental impacts of proposed projects—such as new or widened roads, highways and causeways—at the Florida Department of Transportation, and worked extensively on coastal development issues as a private environmental consultant. Working on these projects (such as large marinas and other coastal development) raised a host of environmental review and mitigation issues, including wetlands, endangered species, and cultural resources.

I was increasingly faced with laws and regulations that I wanted to understand better. It piqued my interest in the law. So, after over six years of working as a biologist, I loaded everything I had into my hatchback and moved to Portland, Oregon for law school, to expand my horizons and my experience. The rest of my career has been spent focusing on western resource issues.

During law school, I worked for two years for the Oregon Department of Justice on a very broad range of natural resource issues. These included: mining in eastern Oregon; tribal treaty, recreational, and commercial fishing rights, licensing and reg-

ulation; western water law; public access, hunting and law enforcement; timber, and sensitive species issues; other Endangered Species Act and National Environmental Policy Act issues; and evaluating new oil spill legislation. Working for Oregon, I learned the importance of state perspectives on issues, and that they may differ from federal and tribal perspectives.

As a young attorney, I practically grew up in the hallways of Interior. Upon graduation, I was selected by Tom Sansonetti, during President George H. W. Bush's Administration for the Interior Solicitor's Honors Program. In my six and a half years there—including a detail to the Deputy Secretary's Office—I worked with all of the Department's agencies, including the Bureau of Land Management, the Office of Surface Mining, the former Minerals Management Service, the Bureau of Indian Affairs, the Fish and Wildlife Service, the Bureau of Reclamation, the National Park Service, and the U.S. Geological Survey.

As a litigator with the Justice Department—where I specialized in Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act and Marine Mammal Protection Act litigation—I worked closely with other agencies outside Interior, such as NOAA Fisheries, the U.S. Army Corps of Engineers and the Forest Service. I understand each agency's diverse missions and broad ranging responsibilities.

After eight and a half years in public service, I went into private practice. I am now an equity partner with Latham & Watkins LLP; the Local Chair of the Environmental Department here in Washington, DC; and a co-chair of the Energy and Infrastructure, Siting and Defense practice.

For the last 12 years, I have focused on energy issues, and worked closely with industry, including those who generate and transmit energy, those who provide important resources for this Nation's growth and security, and those who finance these projects.

I strongly believe that energy independence is vital to this Nation's security and a priority for the Administration. I understand that, if confirmed, the agencies I would oversee play a critical role not only in getting us there, but also creating jobs and providing economic security across the country, while adapting and responding to climate change. Nonetheless, resource development must—and can—be conducted in a balanced, environmentally sound, and sustainable way. All Federal decisions must be science-based and must take diverse views into consideration.

I strongly support the President's "All of the Above" energy strategy, and the need to increase our renewable and conventional resources, both onshore and offshore. Among other things, I personally have worked on coal projects across the country; oil and gas projects, including in the Bakken; wind, solar and geothermal projects in West Virginia, Hawai'i, Washington, California and Nevada, respectively; LNG development in Louisiana; hardrock and leaseable mineral development in Oregon, Idaho and Minnesota, respectively; refinery issues in Alaska; and extensive high voltage transmission and pipeline work on public and private lands.

For example, I recently led the legal strategy for development and successful defense of a \$2 billion transmission line, one of the first specifically built to deliver renewable energy, and also successfully handled the environmental review for a new mineral rights development. These projects are not easy; they are multi-faceted and raise complex issues. One project I am working on right now involves seven different federal agencies, along with needed state and tribal approvals. These projects also have significant stakeholder components. I understand the business need for efficiency and predictability for both project developers and financial institutions. I also understand those needs must be balanced with environmental protection and community engagement. These are not mutually exclusive goals. I am proudest when we are able to work issues out with a range of stakeholders and avoid litigation.

I have also worked on many conservation and mitigation efforts during my career. This includes: helping to create two national parks (the Great Sand Dunes National Park in Colorado, and Paterson National Historical Park in New Jersey); helping to restore river flows in the Trinity, the Flathead and the Missouri; working to improve the Everglades and California Bay Delta ecosystems; land acquisition for conservation; and, I have first-hand experience implementing a broad range of protective and mitigation measures to address impacts from development projects. I also have over twenty years of experience with American Indian issues and understand the federal government's responsibility to honor tribal views, and protect trust and treaty resources.

If confirmed, I will bring this experience and a balanced approach to the office.

Finally, I appreciate that the public lands are also critically important recreational areas. I love being outside. I will never forget my first backpacking trip on Mount Hood in Oregon and the raw beauty of the Pacific Northwest, hiking

Aravaipa Canyon on BLM lands in Arizona, rafting the Arkansas River in Colorado, duck hunting on a magical morning in the Everglades, or the pleasure of surf-fishing on a lot of beaches on the east coast. While I like to ski in the winter, and to sea kayak when it is not quite so cold, I also understand and respect that people like to recreate in different ways, which should—and can—be accommodated.

Many have asked me why I would consider leaving an interesting and successful law practice. The answer is simple. I believe in public service, and I believe that I can contribute to the dialogue on energy policy and conservation in a balanced, transparent and positive way. If confirmed, I look forward to working with each of you on this Committee, Congress and stakeholders, in that regard.

Thank you, Mr. Chairman, and thank you, distinguished Members of the Committee. I am happy to take any questions you may have.

The CHAIRMAN. Ms. Schneider, thank you.

Why don't we go to you next, Mr. Kornze?

**STATEMENT OF NEIL KORNZE, NOMINEE TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. KORNZE. Thank you, Chairman Wyden, Ranking Member Murkowski and members of the committee. It's an honor to be here today as the President's nominee for the Director of the Bureau of Land Management.

I'd also like to thank Senator Heller and Senator Reid for their kind comments.

My family's connection to the land goes back generations. My great grandparents homesteaded on the Great Plains. My grandparents grew and packed apples in the Pacific Northwest. My father explored for gold in States like Nevada and all around the West. Through this, the bounty of the land has always been central to my understanding of our Nation and our potential.

As an individual I'm a hunter, an angler, a hiker, a recreational shooter and a white water enthusiast when I can find the time. I'm also a consumer of fossil fuels and renewable energy.

Growing up in Northeastern Nevada I came to know the importance of natural resources through hometown industries like gold mining and cattle ranching. In fact my first job out of high school was working at one of the Nation's largest hard rock mines.

Life in Elko also introduced me to the recreational opportunities that public lands afford. Many weekends were spent hunting the local hills or exploring remote areas by 4 wheeler or on foot. Through these pursuits and practices and through my work both in the U.S. Senate and at the BLM I've come to understand our Nation's natural heritage from a wide range of perspectives.

During my time working here in the U.S. Senate I had the great privilege of working with many of you to craft critical national legislation like the Omnibus Public Lands Act of 2009 and to work on a long term reauthorization of the Secure Rural Schools Act and the Payment in Lieu of Taxes program.

As Majority Leader Reid's advisor on public lands I worked with members on both sides of the aisle and with this committee to promote responsible development and smart conservation in places where they make sense.

Over the last 3 years I worked at the BLM in a number of leadership positions including my current role as Principle Deputy Director. Through this position which I have held for the past year, I've been the functioning head of the agency. In this role I have

strived both to bring a continuity of leadership to the organization as well as a willingness to approach issues with fresh eyes.

While at the BLM I've worked with my colleagues to find new ways to connect and collaborate with the public, our stakeholders and even with our own internal team to further our core mission of multiple use and sustained yield. We've made some strides in this area. But much more needs to be done to provide clear, more user friendly information for the public to understand the resources that are on the public lands and our short and long term plans for management.

The issue of communication is a particular challenge for the agency because unlike some of our sister agencies the resources we manage are scattered across all 50 States and there is rarely a clear demarcation of where public lands start and stop.

We're proud, however, of the way that this pattern places us as an integral partner of communities, both rural and urban. But it also gives us an added responsibility to be very clear about where we are and what we do.

Right now at the Bureau we are in the process of using technology to break down barriers. In the oil and gas realm we've made improvements, important improvements, in the last few years in our processing and drilling permits. We will continue that progress with the use of an online APD system that will be tested and rolled out in the year ahead.

Similarly we have a unique responsibility in the State of Alaska to native corporations and to the State itself. That responsibility is conveying millions of acres of land. By looking at this particular challenge over the last months in the last year, we have found ways to use technology to literally take decades off of our current schedule for those land conveyances, to do it at a fraction of the cost and to do it while delivering an even better product than what we have today.

So we're very proud of some of these innovations.

Through these efforts and through greater use of science and our decisionmaking processes and by moving to a more nimble landscape level planning approach, we will have incredible opportunities in the years ahead.

As you know the challenges we face are also substantial. Fire, drought and the decline of species like sage grouse are all situations we must adapt to and we must help address.

We also have to do more to understand the most durable ways to mitigate the development impacts on public lands and to restore the public lands so that we can truly live up to our agency's mandate of public use and sustained yield.

If confirmed I will work with my partners and my hard working BLM colleagues to tackle these issues directly. It's a great honor to be here with you today. I look forward to taking your questions.

[The prepared statement of Mr. Kornze follows:]

PREPARED STATEMENT OF NEIL KORNZE, NOMINEE TO BE DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Thank you, Mr. Chairman, Ranking Member Murkowski, and Members of the Committee. I am deeply honored to be here today as President Obama and Secretary Jewell's nominee to be the next Director of the Bureau of Land Management. Before we begin, I would like to take a moment to introduce my wife, Mara

Gassmann, who is here with me. I am grateful for her support and that of our extended family who are watching today from Nevada, Idaho, Utah and Georgia.

My family's connection to the land goes back generations. From my great grandparents who homesteaded on the Great Plains, to my grandparents who grew, picked and packed apples in the Pacific Northwest, to my father who spent his career exploring Nevada and other states for gold and copper deposits, the bounty of the land has always been central to my understanding of our nation's greatness and its potential. As an individual, I am a hunter, an angler, a hiker, a recreational shooter, and a mountain bike rider. I am also a consumer of fossil fuels and renewable energy. Through these pursuits and practices and through my work both here in the U.S. Senate and at the Bureau of Land Management, I have come to appreciate our nation's natural heritage from a wide range of perspectives.

During my time working here in the U.S. Senate, I had the privilege of helping to craft critical national legislation like the Omnibus Public Lands Act of 2009 and a long-term reauthorization of the Secure Rural Schools and Payment-In-Lieu-of-Taxes programs. As Majority Leader Harry Reid's advisor on public land and natural resource issues, I worked closely with Members from both parties and this committee to move forward statutory improvements that recognized both the need for responsible development of our natural resources and smart conservation in places where it makes sense.

Over the last three years I have worked at the Bureau of Land Management in a number of leadership positions, including my current role of Principal Deputy Director. Through this position—which I have held for the past year—I have been the functioning head of the Bureau of Land Management. In this role, I have strived to bring both a continuity of leadership and vision to the organization as well as a willingness to innovate and to approach our many responsibilities with fresh eyes.

Many of the accomplishments of the first-term, including oil and gas leasing reforms and the Western Solar Plan, are still a work in progress. Limited budgets coupled with the long-term nature of the work we do means that successful implementation of programs often takes years. This reality makes long-term stability in the organization's leadership and philosophy a critical component of achieving our shared goals.

While at the Bureau of Land Management, I have worked with my colleagues to find new ways of connecting with the public, our partners, and our own internal team. We have made some strides in this area, but much more needs to be done to provide clearer, more user-friendly information about the resources that exist on the public lands and the both long and short-term plans for management.

The issue of communication is a particular challenge for the Bureau because, unlike some of our sister agencies, the resources that we manage are scattered across all 50 states, and there is rarely a clear demarcation of where the public lands stop and start. We are proud of the way that this land pattern places us as a key partner to so many communities, both rural and urban, but it also gives us an added responsibility to harness available tools to better inform the public about where we are and what we do.

Right now at the Bureau we are in the process of using technology to break down barriers. In the oil and gas realm, we have made strong improvements in our reviews of drilling permits in recent years, but we can and will do better through the use of an online permitting system that will be tested and rolled out over the next several months.

Similarly, we have a unique responsibility for surveying and conveying millions of acres of land to native corporations and to the State of Alaska. This work has historically been done through a relatively slow and expensive process. By looking at this particular challenge with a new perspective, we have found ways to fulfill our commitment to the State of Alaska literally decades ahead of the current schedule, at a fraction of the cost, and with a greatly improved product.

In the face of declining budgetary resources and increasing demands on our nation's public lands and minerals, I am committed to exploring new approaches with the public, our stakeholders, and Congress so that the Bureau of Land Management can become a more effective and more responsive organization. Through these efforts and through greater use of science in our decision-making processes and by moving to a more nimble, landscape-level planning approach, we have incredible opportunities in the years ahead.

As you know, the challenges we face are also substantial. Fire, drought, and the decline of critical species like sage grouse are all situations that we must adapt to and help address. We must also do more to understand the most durable ways to mitigate development impacts and to restore the public lands so that we can truly live up to the agency's dual mission of multiple use and sustained yield.

If confirmed, I will work with my dedicated colleagues, Congress and the public to tackle these issues directly and to ensure that the Bureau of Land Management continues to play a vital role in the American economy and in sustaining public lands for this and all future generations to use and to enjoy.

Mr. Chairman, I appreciate the opportunity to share these thoughts with you and your distinguished colleagues. I consider it a great privilege to be here with you today. I look forward to answering any questions you might have.

The CHAIRMAN. Thank you, Mr. Kornze.

We're glad to have you back. As you and I have talked about Western resources issues are not for the faint-hearted. You have been through a lot of those challenges and we're glad to have you here.

Mr. Kastner.

**STATEMENT OF MARC A. KASTNER, NOMINEE TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY**

Mr. KASTNER. Chairman Wyden, Ranking Member Murkowski and members of the committee, thank you for the opportunity to appear before you today as you consider my nomination to be Director of the Office of Science.

I'm honored and indeed, humbled by being nominated by President Obama and supported by Secretary Moniz to lead the organization that is the largest supporter of physical sciences research in the United States. If confirmed I look forward to working with this committee to address the challenges of maintaining the Nation's leadership in fundamental science which is so important to our security and economic health.

I was born in Canada and moved to Cleveland, Ohio with my parents at the age of 7 and then went to the University of Chicago for both undergraduate and graduate education. I majored in chemistry as an undergraduate and then switched to physics as a graduate student. After a short post-doctoral research experience I moved to MIT and I've been there for over 40 years on the faculty of the Physics Department.

I feel today as though I've come full circle because my first research experience took place at Argonne National Laboratory, one of the great national laboratories run by the Office of Science for the benefit of the country.

I've been doing research for nearly 50 years. I've been privileged to have some exciting discoveries, primarily because I've had brilliant colleagues at MIT and brilliant students and brilliant post-doctoral researchers to work with. I won't bore you with any of the details of my research.

Twenty years ago I began taking on administrative responsibilities which, I think, are relevant to the position of the Director of the Office of Science.

The first was as Director of an NSF funded materials research center where I coordinated the research of 50 faculty members in science departments and engineering departments.

After that I became Head of the Department of Physics where I was responsible for faculty that did research in high energy physics, nuclear physics, plasma physics as well as solid state physics and astrophysics, many of the primary responsibilities of the Office of Science to support these areas.

In 2007 I became Dean of the School of Science and my portfolio broadened further to include the life sciences, the earth sciences and chemistry as well as mathematics.

So over the years I've had supervisory responsibility for people working in almost all of the areas that are supported by the Office of Science.

I chaired two different committees of the National Research Council of the National Academies that explored issues asked for by the Office of Science. I therefore got some insight into policy and other challenges and opportunities faced by the Department.

Over the years I've had the privilege of having my own research funded by the Federal Government, by the National Science Foundation, by the Department of Defense and of course, by the Department of Energy. At this stage in my life I really look forward to helping younger people keep the United States at the forefront of research.

Let me close by reiterating that our quality of life, the health of our economy, the strength of our national defense and the security of our energy future all stem from discoveries in basic science. I look forward, if confirmed, to working with members of this committee to ensure that basic science continues to thrive at DOE and that its discoveries are turned sufficiently into technologies that serve the American people.

I thank you again for considering my nomination and will be happy to answer any questions.

[The prepared statement of Mr. Kastner follows:]

PREPARED STATEMENT OF MARC A. KASTNER, NOMINEE TO BE DIRECTOR OF THE  
OFFICE OF SCIENCE, DEPARTMENT OF ENERGY

Chairman Wyden, Ranking Member Murkowski, and Members of the Committee, thank you for the opportunity to appear before you today as you consider my nomination for the position of Director of the Office of Science at the Department of Energy (DOE). I am honored and humbled to be nominated by President Obama and supported by Secretary Moniz to lead this enterprise, which is the largest supporter of physical sciences in the United States. If confirmed, I look forward to working with this Committee to address the challenges of maintaining the Nation's leadership in fundamental science, which is so critical to our security and economic health.

I am pleased that some members of my family are here today: My spouse of more than 46 years, Marcia Kastner, has a Ph. D. in applied mathematics. Although most of her career was in the private sector, her last job was supervising all of the standardized mathematics tests for the children of the Commonwealth of Massachusetts. Our two daughters are here, who are both business women; one has worked at startups in California, the other is starting a company of her own in Brooklyn, New York. Finally my two sisters are here with their partners, one from Maryland and one from North Carolina.

I was born in Canada, but moved with my family at the age of 7 to Cleveland, Ohio. In college, at the University of Chicago, I studied Chemistry as an undergraduate and then switched to Physics in graduate school. In a sense, I have come full circle, because my first scientific publication, of which there are now about 270, was based on research done as an undergraduate, at Argonne National Laboratory in Illinois, one of the great National Labs supported by the Office of Science.

In nearly 50 years of research, I have worked on fundamental questions related to how electrons move inside solids, a field that has provided the science underpinning the electronics and computer industries. Since joining the faculty of MIT just over 40 years ago, I have led extremely talented graduate students and postdoctoral scientists in experiments that have contributed to the understanding of novel semiconductors and superconductors. Our early research was on amorphous semiconductors, some of which are now used for solar energy conversion and others as the active memory material in DVDs. When high-temperature superconductivity was discovered in 1986, I began a 15-year collaboration with Robert Birgeneau, who recently stepped down as Chancellor of the University of California at Berkeley, and

the late great Brookhaven National Laboratory scientist Gen Shirane. We used the High Flux Beam Reactor at Brookhaven to study the magnetic properties of the fascinating materials, whose ability to transmit electricity without loss has the potential for increasing the efficiency of the electricity grid. The research at the reactor gave me a deep appreciation of the value of the large facilities than can only be built and maintained by the Office of Science. The work for which I am perhaps best known, was the discovery of a transistor that turns on and off again every time one electron is added to it; this should be compared with the transistors in your cell phone, which take several hundred electrons and can turn on only once before they are turned off. This single-electron transistor, may someday help to make computers with greater computing power and lower energy consumption.

Twenty years ago, I began to take on administrative responsibilities at MIT, which gave me an appreciation of ever expanding areas of science. As Director of the Materials Research Science and Engineering Center, funded by NSF, I organized the research of about 50 faculty members from the Schools of Science and Engineering working on interdisciplinary projects. When I became Head of the Department of Physics, I was responsible for a faculty carrying out research in high energy, nuclear, atomic, condensed matter and astrophysics. Finally, for the past six years, I have been Dean of the School of Science, which has given me oversight of the life sciences, chemistry, earth sciences and mathematics, including some computer science. Thus, I have had administrative responsibility for research in almost all the fields supported by the Office of Science.

MIT has an outstanding record of turning scientific discoveries into technology and bringing the latter to the market place by starting new companies. I am enthusiastic about working with the Undersecretary for Science and the Director of ARPA-E and others at the Department, to explore new ways of increasing the speed with which technology transfer happens at DOE.

In the past decade, I was privileged to serve as the chair of two committees of the National Research Council, which oversaw numerous studies requested by the Office of Science. I also served on several committees of the Basic Energy Sciences Advisory Committee. These have given me a view of some of the policy challenges and opportunities that I will face if I am confirmed.

I have been privileged to have had my own research supported by government agencies, including the NSF and Department of Defense, as well as DOE, for nearly half a century. I look forward, if confirmed, to helping younger scientists make progress at the frontiers of knowledge.

Let me close by reiterating that our quality of life, the health of our economy, the strength of our national defense and the security of our energy future all stem from discoveries in basic science. I look forward to working with members of this Committee to ensure that basic science continues to thrive at DOE and that its discoveries are turned efficiently into technologies that serve the American people.

I thank you again for considering my nomination, and I will be happy to answer any questions you may have.

The CHAIRMAN. Doctor, thank you, a very helpful statement. I'm particularly pleased that you want to focus on young people and making sure that they understand the possibilities for science.

I've begun something at home called listening to Oregon's future where I get out to the high schools and just listen to the students about their hopes and aspirations. Science comes up again and again and again.

So we'll want to ask you about that.

Mr. KASTNER. Thank you.

The CHAIRMAN. Dr. Ellen Williams, welcome.

**STATEMENT OF ELLEN D. WILLIAMS, NOMINEE TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY-ENERGY, DEPARTMENT OF ENERGY**

Ms. WILLIAMS. Thank you very much, Chairman Wyden, Ranking Member Murkowski and members of the committee. I truly appreciate the opportunity to appear before you as President Obama's nominee for the Director of ARPA-E.

I also would like to express my thanks to President Obama and to Secretary Moniz for trusting me and giving me this opportunity. If confirmed I would do everything in my power to validate that trust.

As you know, ARPA-E's mission is to accelerate the creation of transformative technologies at the very earliest stages of development. I'd like to give you a little bit of information about my background in the context of ARPA-E's mission.

As you know I grew up in Michigan. I attended Michigan State University for my bachelor's degree studying chemistry. Then I went on to California Institute of Technology, also in chemistry.

But there I was introduced to the power of interdisciplinary research, the special opportunities to advance technology that occur at the boundaries between disciplines. So in my subsequent research career I've worked at the boundaries of chemistry, chemical engineering, physics and materials science.

I became a professor at the University of Maryland, was there for nearly 30 years. I did teaching and research, ran a large research laboratory and a research center.

In parallel with my academic career I had the opportunity to work in government service as a member of a consulting group that worked upon request for agencies of the U.S. Government providing technical assessments of various applications of technology. In that role I've worked on studies for many agencies including DARPA, the Department of Defense, NNSA and the Department of Energy.

Over the decades of my research and consulting career I've had multiple opportunities to observe firsthand the transformation of early stage research, fundamental studies of what might seem to be very obscure and esoteric types, very difficult to carry forward, that have moved forward, step by step, over a ten or twenty year time scale to become commercialized products which are truly changing the way that we run our lives. As a result I have a lot of optimism about the long term power of transformative technology.

Four years ago I had the opportunity to become involved directly in the commercial energy world when I was given the opportunity to become BP's Chief Scientist. At BP I've had a number of responsibilities, but among those that I found the most satisfying have been those that involved innovation and emerging technologies. I worked internally with BP's creative and innovative technologists to provide them with the tools and opportunities for them to look at emerging technologies and bring them into the company and discover new ways of delivering value.

I've also worked externally appraising what's available in emerging technologies worldwide and trying to understand their strategic impacts for the energy industry overall.

In both of these roles one of my key criteria and drivers has been really using strong, rigor in technical assessments and being able to develop a sound understanding of what's both technically and economically feasible and with that rigor of assessment also developing a rigor of communication because as a technologist I have a responsibility to bring to the decisionmakers the information that they need to make good policy decisions moving forward.

So in summary what I would bring to the role as the Director of ARPA-E, if confirmed, are my many years of experience in basic research and understanding the applications of research through to technology and commercial development, my optimism and my enthusiasm for the power of transformative technology and my strong commitment to rigor and technical assessment and communication.

As you all know the United States faces a lot of challenges and a lot of opportunities in developing and delivering the secure, clean and affordable energy that we need to maintain our quality of lives. I believe that ARPA-E's programs are essential to these challenges and I'm very honored to have the opportunity to work with ARPA-E in continuing to deliver value. If I'm confirmed I would look forward to working with every member of this committee to deliver that value.

So I thank you for your attention. I'll be happy to answer any questions you may have.

[The prepared statement of Ms. Williams follows:]

PREPARED STATEMENT OF ELLEN D. WILLIAMS, NOMINEE TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY (ARPA-E), DEPARTMENT OF ENERGY

Chairman Wyden, Ranking member Murkowski, members of the Committee, I appreciate the opportunity to appear before you today as President Obama's nominee for Director of the Advanced Research Projects Agency—Energy (ARPA-E) at the United States Department of Energy (DOE). It is an honor to be here.

I would like to thank President Obama for nominating me for this position. If confirmed, I would do my utmost to justify the confidence he has placed in me. I also would like to express my gratitude to Secretary Moniz for his support. If confirmed, it will be a privilege to join his team.

I also would like to thank my family, my parents Lois and Richard Williams, my husband, Neil Gehrels and his parents Tom and Aleida Gehrels, my brothers and sisters, my children Thomas and Emily, and my friends and colleagues. Their guidance, love and support are the foundation for all my efforts.

Mr. Chairman, as you know, ARPA-E is a young agency that is applying to energy technology the approaches to innovation and value development that have been demonstrated with long term success by Defense Advanced Research Projects Agency (DARPA) for military technology. If confirmed, I will bring to the role my lifetime of experience in scientific research and in supporting the application of cutting-edge technology to meet pressing social needs.

I grew up in Michigan, in the Detroit suburbs, and experienced first-hand the benefits to local communities of a thriving manufacturing base. I went to college at Michigan State University, where I studied chemistry. The excellent program there made it possible for me to go on to advanced studies at California Institute of Technology in Pasadena, California. There I was introduced to a broad perspective of interdisciplinary research, and as a result my subsequent career in science has spanned the disciplines of chemistry, chemical engineering and materials science.

After my doctoral and post-doctoral work, I became a professor at the University of Maryland in College Park. As a professor, teaching and running a research laboratory and later a research center, I saw over a decade's time amazing transformations in which difficult and esoteric experiments led to new technologies that shifted the baseline of the possible. This has left me with optimism about the potential of science and innovation. If confirmed I would bring this vision—optimism, and my enthusiasm to the work of ARPA-E.

In parallel with my academic career, I had the opportunity to be involved in government service as a member of a technology group that provides advice upon request to the U.S. government. In this role I participated in technical assessments for DARPA and the Department of Defense, and for other government agencies including the National Nuclear Security Administration and DOE. The DOE studies included stockpile stewardship, site remediation, and science activities. If confirmed, I would bring this external perspective to further developing the complementary relationship between ARPA-E and other DOE programs.

In the midst of this satisfying and productive academic and service career, four years ago I had the opportunity to become directly involved in energy technology

as BP's Chief Scientist. In this role I have been involved in both internally-facing and externally-facing activities. One of my greatest sources of pride in the inward-facing role has been giving our technology teams the space and resource to apply their talent and creativity to generate new technical value through innovation. In my externally-facing role, I've been responsible for assessing technology that may have strategic implications for the world energy industries. In doing so I've applied a stringent criterion of testing the technical basis for all assertions—this is essential to provide decision makers with the information they need to make sound choices for the future. If confirmed, I will bring the same rigor in supporting the members of this Committee with the information you need about ARPA-E and innovation in energy technology.

Mr. Chairman, we as a nation face great challenges and great opportunities in proving the secure, clean and affordable energy essential to our quality of life both now and for generations to come. ARPA-E is playing an important role in establishing new, transformational opportunities for the future. If confirmed, I would look forward to working with the members of this Committee to help ARPA-E deliver the greatest value and impact.

Thank you very much for this opportunity to come before this Committee. I look forward to answering any questions you may have.

The CHAIRMAN. Doctor, thank you. We will.

Let me begin, if I might, for Ms. Schneider and Mr. Kornze, on the whole issue with respect to financial stewardship and financial stewardship on our public lands. I think it's quite clear that our public lands can and should be used for many valuable purposes; recreation, mining, oil and gas development, routes for oil and gas pipelines, electric transmission lines, and forestry would be a few of them.

There remains an obligation to the American taxpayer to make sure that our taxpayers are getting a fair return for commercial use of their public lands. A major share of onshore royalties also go to State and Indian tribes so shortcomings in royalty collections also short our States and our tribes. Shortly, a General Accounting Office report will be released that raises questions about how well the Department has been doing to ensure that taxpayers are getting a fair return for oil and gas development on both offshore and onshore public lands.

Now I think it would be fair to say it's not clear that the Interior Department, and especially the Bureau of Land Management, has always kept up with the times.

In addition, according to recent work done by the General Accounting Office in the Department's Office of the Inspector General, policies could also be improved with regard to the Federal coal program. For example, earlier this year the Inspector General reported that only one of BLM's offices takes the value of coal exports into account when setting the fair market value for coal leases.

So let me begin with a question for you, Ms. Schneider, a question for you, Mr. Kornze. If you two are confirmed, will you commit this morning to working with the committee to update Interior's approach to managing public lands to ensure that taxpayers receive a fair return for the use of their lands?

Ms. Schneider, let's start with you.

Ms. SCHNEIDER. Thank you, Senator, for the question.

Yes, I agree that the U.S. taxpayer should be getting a fair return for the use of public lands and the Outer Continental Shelf and that those benefits can also flow to the States and tribes as appropriately.

I look forward, if confirmed, to reviewing this new GAO report and working with the members of the committee on this issue.

The CHAIRMAN. Very good.

Mr. Kornze.

Mr. KORNZE. Thank you, Mr. Chairman.

Securing a fair return is part of our mandate at the Bureau of Land Management, making sure that we're looking out for the public. So we're making some progress on the coal issue, in particular. We do have some recommendations from GAO and IG that we are implementing.

So I think we're making progress on some fronts. If confirmed, you can be certain that we will continue to take fair return for the taxpayer very seriously.

The CHAIRMAN. Very good.

Let me move now to a major Oregon issue. That is, and Mr. Kornze you're familiar with it, the Oregon and California legislation that is so important to Oregon's rural counties.

I have spent a great deal of time trying to find a way. This is a hugely important issue to Oregonians—to double the timber harvest because these communities have been hit so hard economically—on average double those timber harvests, each year for the next 20 years. I believe that we found a way to do it. In effect, you all have validated that estimate that's been done by our scientists and at the same time protect our treasures.

Now my question to you is—and your folks have been very helpful, both in Oregon and here in Washington, DC—if confirmed, will you continue to work with me to develop ways to implement the part of the issue that's so critical, the National Environmental Policy Act, early in the process on a large landscape scale basis, to ensure that NEPA fulfills its twin goals of considering the environmental impact of a proposed action and informing the public without contributing to unnecessary delay?

Mr. KORNZE. Senator, we are moving to a landscape level approach in much of the work that we do at the BLM. So we look forward to working with you on your forestry effort in Oregon.

The CHAIRMAN. Thank you. I think it's very clear that NEPA is right at the heart of the debate. What we're going to have to do is find a way to make sure that all of the stakeholders, all of them, up front in Oregon, get a chance to participate in that discussion. That's what we do for both the moist forests and the dry forests.

But then we have a certain predictability and certainty for the days ahead. We want to work closely with you on it. Of course, you've already indicated to me that you want to come up with a long-term solution for county funding as well. I will just note that for the record.

I'm going to have some additional questions for you on the second round, particularly with respect to helium and methane leakage. But my time is expired.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

I'm going to ask a couple questions about critical minerals and hard rock mining directed to both you, Ms. Schneider and Mr. Kornze.

On the critical minerals the Chairman and I, along with 16 of our colleagues, have recently reintroduced my Critical Minerals Policy Act directing the Secretary of the Interior to establish a list of minerals that are critical to the American economy. Very, very—30 thousand foot.

If you can both inform me whether or not you think there is value to updating our mineral policies. If so, if you will agree to assist us with this, what I think is a very important measure, to move this legislation forward in the next year.

Mr. Kornze, you want to start?

Mr. KORNZE. Yes, thank you.

I've not looked at the details of that legislation. But I do think that identifying our critical minerals in this Nation is important. Certainly many other nations have been aggressive about securing mineral stocks for themselves. I think that's something that we need to pay close attention to.

I look forward to working with you on that in addition to bringing in cooperators like USGS and other agencies.

Senator MURKOWSKI. I thank you for that. I think all we need to do is look to yesterday's news when China imposes a quota on critical minerals recognizing that everything that Dr. Williams and Dr. Kastner are going to need to do their job is dependent on a supply of critical minerals.

Ms. Schneider.

Ms. SCHNEIDER. Senator, thank you.

I agree completely. I've done a lot of mineral development work in my career. I think it's important for the United States to be producing critical minerals that are important for defense purposes and other purposes as part of our overall national security.

Senator MURKOWSKI. Thank you.

One of the issues that I think both of you are going to confront as they relate to accessing hard rock minerals is the EPA's decision to involve itself in the financial assurance requirement for hard rock mining operations. I think this is over reach by the EPA. You have the BLM. You've got the Forest Service and really every relevant State that already have programs in place.

Based on the correspondence that I have had with DOI and the Forest Service these programs all seem to be working at the Federal level. So I'm just—I'm not certain why EPA needs to inject itself, add additional requirements there.

So the question, and again, this is to both of you, is whether or not you think that there are any deficiencies that we have within existing programs that would require EPA's involvement? Just basically, flat out, do you think that EPA needs to be involved in this process?

Certainly you, Mr. Kornze, will you defend BLM's statutory role, particularly in the interagency process?

Mr. KORNZE. Thank you, Senator Murkowski.

The BLM has, I believe, an impressive record in modern hard rock mining since our 3809 regs have been put in place. We had a very successful run in making sure that operations are in environmental compliance and our net benefit to the communities that they serve and to our general Nation.

So related to EPA we've had many discussions with them in recent years about projects all up and down the Western United States. We have had—we've shared thoughts at times about the appropriateness of various roles. We're continuing to work on that relationship with EPA.

Senator MURKOWSKI. I'd ask you to look very, very critically at it. It sounds like you've had some conversations. But I think it needs to be visited very seriously.

Ms. Schneider.

Ms. SCHNEIDER. Senator, thank you.

I can also add that EPA has, based on my experience, also injected itself into the leasable minerals area as well on the bonding issue. I think it's a dialog that we need to have with EPA, if confirmed. Based on my review of BLM regulations I think the regulations are strong and adequate to support necessary reclamation for mineral development.

Senator MURKOWSKI. Thank you.

Dr. Williams, just very briefly, I appreciated your background and clearly your level of interest, what you will be able to provide at ARPA-E. I'm reminded of a gentleman that the Chairman met with on his visit to Alaska last year, a guy who doesn't know the meaning of the word no, particularly when it comes to advancing new ideas in energy. He says we don't need more engineers, we need imagineers. I view this as the role of ARPA-E in so many different ways.

I note that you have recently co-authored a publication titled, Water in Energy Industry. It's something that I have a particular interest in, this energy/water nexus. I would hope that in this area you could bring a fresh perspective. You could be that imagineer.

As we think of those issues that hold us back in our energy development or that cause complications as we process our energy. So much of it is tied to water. So at ARPA-E you have the opportunity to truly be that imagineer that can change the direction that we can take and particularly as it relates to the water/energy nexus.

Ms. WILLIAMS. Thank you very much, Senator. I'm very excited about the opportunities at ARPA-E of taking the imaginative early stage ideas and moving them forward to a point where they can be commercialized.

I also agree with you that the issue of water along with energy is a very cogent and important one. It's well matched to ARPA-E's mission of energy efficiency.

So if confirmed these would be areas that I'd be very excited in working on.

Senator MURKOWSKI. Good. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. A number of colleagues have been very patient. Next in order of appearance is Senator Manchin to be followed by Senator Scott.

Well it will not be the first time we've made that mistake. So let us recognize Senator—

[Laughter.]

The CHAIRMAN. Let us recognize—oh I mistook my numbers. I thought it was a 7 rather than a one. I apologize to my colleagues. It is Senator Heinrich followed by Senator Scott.

Senator HEINRICH. For the record I just wanted to say I'm all for imagineers, but as the only engineer in the Senate, we could use a few more engineers.

[Laughter.]

The CHAIRMAN. OK.

Senator Heinrich.

Senator HEINRICH. Mr. Kornze, welcome, first of all.

As somebody who is a do it yourself public lands hunter and I know you embrace that activity as well, I'm really interested right now on in the issue of making sure that our public lands remain accessible to the public. That doesn't mean you get to drive off road or across country, but a lot of us, a lot of hunters and anglers, have seen some of the best recreational spots closed off by locked gates and privatized roads in the last 25 years.

You know, one example that still sticks in my mind is that back in 2009 Congress created the Sabinoso wilderness, one of the few BLM wilderness areas in the State of New Mexico. But they're still literally no legal way for the public to get there.

In the Southern part of the State Cedar Mountain's Cowboy Spring Wilderness Study Area, parts of the Sierra de la Sulvus would be incredible places to visit if there were any way to get there without breaking the law.

If you're confirmed as Director of the BLM would you commit to working with the committee to ensure that our public lands are accessible to the public?

Mr. KORNZE. Senator, I appreciate the question.

I saw a report just in the last few weeks that suggested that as many as 6 million acres of BLM public lands might be inaccessible to the public. So this is an issue that is important to us. If confirmed you absolutely have my commitment to work with you and other Members of Congress to see what we can do to make sure we are securing appropriate access to places that are important to Americans.

Senator HEINRICH. Great.

I do want to say we've seen some great leadership out of the New Mexico BLM office in the last several years. We've seen some places opened up that have been off limits for many, many years. So I want to commend our State Director, Jessie Juen and his staff there for that work because it's an example that I'd like to see taken West wide.

I hear from sportsmen, not only in my home State, but if you follow the periodicals from all over the Intermountain west who face similar issues.

As you know our public lands play an incredibly indispensable role in energy production including transitioning our Nation to a cleaner energy economy. My home State of New Mexico certainly has a lot to offer in that regard. We're 12th in wind potential in the Nation. We're second in solar potential. We already produce an enormous number of traditional energy sources as well including the natural gas that we were talking about earlier in the hearing.

But I think we need to make sure that we're smart about developing these energy sources, conserving our natural and cultural, our historical resources while encouraging energy development in the many places where it's appropriate. We need to ensure that a

portion of the revenues, in my view, that the Federal Government receives from these new sources like wind and solar are used for conservation efforts that help to compensate for the impact of those projects.

I'm a co-sponsor of Senator Tester's bill, Public Lands Renewable Energy Development Act, as are a number of the folks on this committee. I just wanted to ask as Director would you commit to working with the committee and with the Congress to develop a renewable energy development framework that balances that development of these important resources with the conservation efforts that are needed in the West?

Mr. KORNZE. Senator Heinrich, I appreciate that question and balance, when it comes to energy development, is at the core of what we do and that our mission. So we very much appreciate the challenge.

As and I think solar development is a great example of where we've been moving to areas where development has not been the status quo. So there have been very important, critical questions about where the conservation piece of those actions is. I think we can certainly do more on that front. I look forward to working with you on a framework and moving those efforts forward.

Senator HEINRICH. Great.

I think last I'll just say, you know, one of the places that we could see a substantial amount of solar development would be in Southern New Mexico. In addition there are—last week Senator Udall and I introduced legislation to designate the Oregon Mountains Desert Peaks National Monument in Southern New Mexico. Should you have the opportunity to spend some time in New Mexico we would love to get you out to see some of those resources first hand.

Mr. KORNZE. Thank you. I welcome the opportunity.

Senator HEINRICH. Thanks.

The CHAIRMAN. I thank my colleague.

Senator Scott, you've been very patient.

Senator SCOTT. Thank you, Mr. Chairman.

My congratulations to the panel on your nominations.

Ms. Schneider, I'd love to chat with you for a few minutes. I'll have about 6 or 7 questions for you and only 5 minutes to get it through. I can filibuster by myself. So if we can work together just to get through this that would be fantastic.

My focus will be on the Atlantic. From my perspective the offshore opportunity with the Atlantic is incredible. In South Carolina alone by the year 2035 we could see as many as 35,000 new jobs, \$2.7 billion added to our State's economy and perhaps nearly \$4 billion added to our State's revenues. That would be fantastic.

One of the things that we have to see happen for us to get there is, of course, the PEIS, that allows for us to see if in fact the Atlantic will be permitted for seismic activity.

The Obama Administration has banned, it seems to me, energy production in over 85 percent of America's offshore. My first question to you is would you continue to support the moratorium or open new areas of offshore for energy production?

Ms. SCHNEIDER. Senator, thank you for the question.

I'm very familiar with the, getting more familiar, with the programmatic EIS that you referenced.

Senator SCOTT. Yes.

Ms. SCHNEIDER. For geological and geophysical work on the Atlantic. I think that's an effort that we need to complete expeditiously so that we can move forward with environmentally responsible, scientific information gathering to further support our decisionmaking for the next 5-year plan.

Senator SCOTT. OK.

How involved do you plan to be with the drafting of the next 5-year offshore leasing plan? Were you ever involved in drafting a 5-year plan in your previous capacity at Interior?

Ms. SCHNEIDER. I have not been involved in drafting any of the prior 5-year plans in my prior capacity.

I suspect that I will be heavily involved, if confirmed.

Senator SCOTT. That's good.

Ms. SCHNEIDER. In the next plan.

Senator SCOTT. It seems like by your previous answer that you are relatively supportive of working an offshore production in the Atlantic after we get the seismic information.

Ms. SCHNEIDER. Yes, I think we need to see what the information brings to bear. Then, you know, work with the States to identify those areas that may be, make the most amount of sense.

Senator SCOTT. That was my attempt at a leading question that you didn't really follow very well. So I'm not an attorney. You are. [Laughter.]

Senator SCOTT. I'll have to work on that next time.

In your opinion—

Ms. SCHNEIDER. You have to say, isn't that true?

Senator SCOTT. OK.

[Laughter.]

Senator SCOTT. Mr. Chairman, I'm a rookie so I'll keep getting better at this, I assure you.

In your opinion will the National Ocean Policy hinder the development of offshore energy and what role do you see it playing in the development of the next Department of the Interior?

Ms. SCHNEIDER. You know, I need to get more up to speed on the new ocean policy. I think that we're going to need to bring the ocean policy and the positions that it's proposing along with and kind of merge the need for looking at new areas that can support both offshore renewable and conventional development.

Senator SCOTT. If you are confirmed, my office would look forward to having an open relationship, an open dialog, with your office in helping us achieve my goal at least, of having the Atlantic, have the seismic information gathered as quickly as or as expeditiously as possible and then hopefully with that determination, allowing for some type of offshore energy production that will benefit the country as well as those jobs in South Carolina.

Ms. SCHNEIDER. Senator, if I'm confirmed I look forward to working closely with you.

Senator SCOTT. Thank you very much, Ma'am.

The CHAIRMAN. Thank you, Senator Scott.

Senator Manchin.

Senator MANCHIN. Thank you, Mr. Chairman.

To Ms. Schneider, as Assistant Secretary of the Land and Minerals Management you're going to have oversight of AML, I understand.

In West Virginia last year our little State received 66, I think, and a half million dollars. It's a very important program for us to clean up the former mining sites and promote environmental conservation, community health.

How do you intend to continue this program or how do you intend to fund it?

Ms. SCHNEIDER. Senator, I have not had an opportunity to think a great deal about Federal fiscal issues in terms of where we are on the funding side of things. It's not something I've focused on in my private practice.

I do agree that full funding for the Abandoned Mine Lands program is critically important. Similarly, Senator Murkowski, you know, this is the legacy wells.

Senator MANCHIN. Yes, this is all paid for basically by the mining of the mineral.

Ms. SCHNEIDER. Right.

Senator MANCHIN. OK. So from it's not supported by the public tax dollars.

Ms. SCHNEIDER. Right. No, I understand that, sir.

Senator MANCHIN. The distribution, what I'd like to know, if from a lot of our western lands who produce great quantities because of the seam height don't really have the problems that we out in the east have in Appalachia that really built the industrial revolution, if you will and would really, most of the money is needed to cure a lot of the problems of the past.

It's like a war going on back and forth. We're trying to find that balance. I just want to make sure you're up to the task jumping in this thing and trying to get the money where it's needed.

Ms. SCHNEIDER. I'm absolutely looking to, if confirmed, to working with you to understand that balance better to make sure that meet all of the appropriate needs.

Senator MANCHIN. I know you've also done all the work with renewables and also about the grid system. You know with the basic base load fuels that we have right now which is coal, gas and nuclear. They're the only ones that run 24/7.

There's going to be a need for that and a blend and a balance to be had. How do you intend to work to find that balance especially with the grid system and bringing on renewables, but also making sure that the base load is able to deliver electricity that is needed?

Ms. SCHNEIDER. Alright.

Well I certainly agree that we need to have diversity in our fuel mix. I do a lot of work with utilities at present and that's a critically important part of what we're working on. As intermittent sources come online there needs to be modernization of the grid so that there can be facilities that are quicker starting and more efficient to help deliver the energy more efficiently and more cost effectively for consumers.

Senator MANCHIN. Do you agree that coal plays a vital part in delivering the energy this country is dependent upon?

Ms. SCHNEIDER. I do, sir.

Senator MANCHIN. Mr. Kornze, if I may, as an avid outdoorsman myself and I understand you are too, you're going to be asked to work to maximize access to public lands for hunting, fishing and recreational purposes. Are you an advocate of rehabilitation is basically is habitat.

You know, in a lot of places we can't do any habitat enhancements, along the national forest and in our fish and wildlife. What's your position on that?

Mr. KORNZE. I'm not sure I understand the——

Senator MANCHIN. Basically, you know, a lot of the hunting and fishing that might be, we can't do habitat enhancement that food——

Mr. KORNZE. OK.

Senator MANCHIN. Type of trees we plant, type of shelters we put in waters for fish habitat. Are you in support of maybe enhancing that a little bit and talking to your colleagues throughout this process? We have a heck of a time right now.

Mr. KORNZE. Yes. Thank you for the question, Senator.

You know, actually we had a leadership meeting at the BLM a few weeks ago and one of my requests of our full leadership team was that we were better integrated with the State Fish and Wildlife agencies and that we're keen off of State wildlife action plans.

Senator MANCHIN. How about access to public lands and that?

Mr. KORNZE. Access?

Senator MANCHIN. Do you favor opening up public lands to fishing and hunting?

Mr. KORNZE. Absolutely. When it comes to hunting one of the things we're very proud of at the Bureau of Land Management is that 99 percent of the lands that we manage are open to hunting.

Senator MANCHIN. I think, Dr. Kastner, I have one here. Almost 5 billion dollars the Office of Science's research budget greater than fossil energy, renewable energy and nuclear energy combined. If confirmed, what is your vision for how research performed by your office will work in concert with the directed energy research in the other areas of fossil, nukes and renewables?

Mr. KASTNER. Thank you for the question, Senator.

The reorganization that the Secretary has undertaken creating an Under Secretary for Science and Energy, I think, is a great step toward bringing the Office of Science closer to the technology areas. After all, there's basic science underlying all of these areas. I think it's really important that I work, if confirmed, work carefully and aggressively with my colleagues in the technology areas to make sure that we can do the best to take the discoveries of basic science and get them into technology for the benefit of the American people.

Senator MANCHIN. Dr. Williams, my time has expired. So I'm going to submit my question to you. But just about coal. I know you haven't had much work in that. I know also that you're looking at carbon capture, sequestration. So I would like to meet with you and talk further about that, Ma'am.

Mr. KASTNER. I look forward to it.

Senator MANCHIN. Thank you both.

Ms. WILLIAMS. Thank you.

The CHAIRMAN. Senator Manchin, just before we leave. I'm very pleased that you brought up the importance of the hunters and anglers on these public lands. One of the things that we're very proud of in our part of the world is on the O&C bill for the rural counties in Oregon. The hunters and anglers are very much in support of the legislation.

This is part of the recreation economy. What we learned when Sally Jewell was here is that's a \$646 billion American industry. So I really appreciate your bringing that up.

Thank you, Senator Manchin.

Senator Alexander.

Senator ALEXANDER. Thanks, Mr. Chairman.

Welcome to all of you.

Dr. Kastner, it's great to have someone with your background in this Office of Science which is, I hope you know, I feel is awfully important.

I have one parochial question. I don't need much of an answer. Oak Ridge is tearing down a museum site for atomic energy and putting it in another place. I would like to ask you if you would be willing to come talk to me about what you propose to do with the museum site before you do it.

I mean, I'm not asking you to do anything with it. I just want to know what you're going to do before you do it.

Mr. KASTNER. Thank you for the question. Of course, I'd be happy to come and talk to you about it.

Senator ALEXANDER. Thank you.

Now let me get to a more global concern.

Dr. Moniz, who we all respect, says he can't make decisions about fusion energy because he used to work on it at MIT. I guess, so did you. What I'm concerned about, who is going to make the decisions if you don't.

I'm quite serious. This is not funny. This is a serious matter because you've got a \$4.8 billion budget, \$400 million, I mean 10 percent of that goes to fusion. Over the next few years it might be 50 percent.

If you don't make any decisions about fusion then you're not making any decisions about priorities within your budget.

My question is will you make decisions about fusion, at least in so far, that it permits you to make good decisions about priorities within your budget because to date fusion has been pretty far down the line of Department of Energy priorities.

Mr. KASTNER. Thank you for the question, Senator.

I agree with you that fusion is very important. I am recused from participating in any discussions about fusion or other issues that directly affect MIT. If confirmed I will work with the General Counsel in the Department of Energy to explore, to understand, what broader fusion issues I might be—

Senator ALEXANDER. I'm not trying to get you to spend more money for fusion. I'm saying it's already a low priority within your Department. If you and Dr. Moniz, neither one, can make any decision about fusion, you're turning over priority setting to somebody else. So—

Mr. KASTNER. So let me say a couple of things.

First of all it's not clear that I will be excluded from making—

Senator ALEXANDER. Good. I don't want you to be excluded. I'd like for you to be included.

Mr. KASTNER. To the extent that I am, the Under Secretary for Science and Energy would fill that gap.

Senator ALEXANDER. Who's that?

Mr. KASTNER. That, hopefully, if confirmed it will be Lynn-Orr.

Senator ALEXANDER. Don't you think the Director of the Office of Science should set priorities for forms of energy within the Office of Science, particularly if the Secretary can't?

Mr. KASTNER. As I said, at the moment it's not clear that I will be excluded from making those kinds of broad decisions.

Senator ALEXANDER. OK. I hope you're not.

Let me ask Dr. Williams.

Dr. Williams, I'd like to encourage you to do missionary work, at least on the Republican side of the aisle here, because I like ARPA-E a lot and I think not enough of us know what you're doing. I'd like for you to address specifically, for example, we have coal Senators here for people who care about coal on both sides of the aisle.

I'm not sure enough of them know that one of the ARPA-E companies in which you invest is trying to take carbon dioxide and coal plants, feed it to microbes and turn the CO<sub>2</sub> into a commercially viable product which if you could, then that would certainly make coal a much more easily—easy to use.

So I'd like to encourage you to do that. Answer this question. Do you see your job as picking winners and losers and leave me 20 seconds to ask one last question.

Ms. WILLIAMS. Thank you, Senator.

ARPA-E's mission is to accelerate potentially transformative technologies in their most earliest stages of development. We know that we have in this country a great—

Senator ALEXANDER. Yes, I know. But you're not there to pick winners and losers are you?

Ms. WILLIAMS. That's correct.

So our job is to make it possible for those very early stage developments to move forward to the next stage of development so, without picking winners and losers, allowing the winners and losers—

Senator ALEXANDER. So the answer is no. Is that right?

Ms. WILLIAMS. The answer is no.

The answer is no.

Senator ALEXANDER. Thank you.

Now to the last question I would go to Ms. Schneider and Mr. Kornze.

Senator Heinrich talked about the beautiful views of the mountains in New Mexico and the importance of reconciling that with energy development.

Senator Manchin talked about that his abandoned land mines and there's a big—a lot of money that needs to be spent on abandoned land mines.

According to the American Bird Conservancy by 2030 there will be 100 thousand wind turbines that you can see for 20 miles. So have either of you thought about one, the effect that has on the beautiful mountains of New Mexico, these Cuisinarts in the sky which a bird—

[Laughter.]

Senator ALEXANDER. Or have you, Ms. Schneider, thought about how you're going to pay for taking those down after 20 years when they don't operate any more so you don't have a problem like we do with abandoned land mines. Do you—will there be a bond and a bond sufficiently to require the wind developer if that's not being used to take it down and take it away?

Ms. SCHNEIDER. Senator, thank you for the question.

I have done wind development work myself. I think with all large industrial facilities siting is key and that's the critically important component of that. In part of that you have to take, not only the resources into consideration, but also the environmental impacts including impacts to avian resources as well as to the view shed.

In my experience the BLM rights of ways that are issued for those projects do require the developer to remove those facilities if the right of way is not removed, excuse me, not renewed.

Mr. KORNZE. Senator, I would echo many of those comments. It is my understanding that with all projects that we permitting today that they do have bonds to make sure that we can do proper reclamation. So it's very important to us, in addition to making sure that we have an open and public process when we discuss siting of those places to make sure they're done in the right places.

Senator ALEXANDER. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

In order of appearance Senator Barrasso is next and then we'll have Senator Lee.

Senator BARRASSO. I'm happy to defer to Senator Lee.

The CHAIRMAN. So much collegiality.

[Laughter.]

The CHAIRMAN. What's the pleasure of my colleague?

Senator LEE. Wyoming has always been such a good neighbor to Utah. They've never tried to invade us or anything like that.

[Laughter.]

Senator LEE. I appreciate the generous thought.

The CHAIRMAN. I've heard of that Good Neighbor Policy.

Senator LEE. Yes.

The CHAIRMAN. Senator Lee.

Senator LEE. Thank you very much. Thanks to all of you for being here.

I'd like to start with Mr. Kornze.

So recently the BLM withdrew a fairly significant amount of land from multiple use designation and set it aside to create a highly touted solar energy zones. You know this and other policies show that BLM is a strong supporter of renewable energy. Renewable energy, I think, all would agree is a good thing.

At the same time there are a lot of people concerned that oil and gas companies are seeing these changing policies with regard to Federal land. Seeing that 1 day they might be able to consider exploring or developing oil and gas production projects on Federal land and then the next day there's a regulatory or a policy change within the Bureau or within the Department that makes that impossible.

Another example of this is that recently in Utah where there were 100,000 acres of land that had previously been designated as

eligible for leasing for oil and gas production on Federal land under the RMP. It was taken out of its eligibility for leasing 3 days before a scheduled auction. This constituted the vast majority of the land that was to be auctioned 3 days after the announcement was made.

Again, this is causing a problem because a lot of the companies that engage in these activities that want to develop our energy resources here in the United States so as to contribute to our energy independence are choosing to shy away from Federal public land understanding that these regulatory changes create a lot of uncertainty for them.

This is more than an abstract problem. It's far more than a problem for just the energy companies. This is a problem, especially for our rural communities in public land States like mine where the Federal Government owns two-thirds of the land.

These communities rely on these kinds of projects in order to fund basic things like the development of their infrastructure to fund their public school systems, their fire and police departments. Because in many of these counties where this is the case, the Federal Government owns 80, 85, 90, sometimes 95 percent of the land. They can't tax that land. The PILT program in most cases provides only pennies on the dollar of what they would otherwise receive for property taxes.

So they're strapped.

So my question is, do you see this trend as a problem? If so, what might you do, if confirmed, to address this problem? What might you do to address the problem?

Mr. KORNZE. Senator, I appreciate the question.

There's a lot in there that we can discuss, but it's important the Bureau of Land Management is—provides clarity. What our policies are, what direction we're headed into. That's one of the reasons why in my opening statement I focused on, you know, clear communication and making sure that people understand the resources that are available and also our intentions.

So I certainly understand some of the frustrations you've expressed. If confirmed, you have my commitment that I focus on making sure that we are a consistent partner that people can rely on.

Senator LEE. Transparency is an issue that Secretary Jewell explained to us and she embraces, when she was before our committee going through her confirmation process. Do you share that commitment to transparency?

Mr. KORNZE. Absolutely.

Senator LEE. Ms. Schneider, do you also share that same commitment to transparency that Secretary Jewell has articulated?

Ms. SCHNEIDER. Yes, Senator.

Senator LEE. During your tenure in the Clinton Administration were you involved in the process of designating any national monuments?

Ms. SCHNEIDER. I was not.

Senator LEE. OK.

One of the reasons why I'm focusing on this issue of transparency today and why it's concerning to me is that we had a very significant monument designation that was made in Utah, the Grand Staircase National Monument and the decision to designate

that as a monument, a very, very large one at that. One that took in a vast swath of land with enormous energy potential.

It was not made in view of the public. There is no opportunity for public comment. In fact the announcement of it was made without any advance warning and was made not in Utah, but in a neighboring State.

So, this kind of lack of transparency is concerting to me and particularly with regard to the exercise of the vast discretion granted to the President in the Antiquities Act I would hope and expect that any future exercises of that authority would be made to the greatest extent possible with transparency and input from the public, especially from those who will be affected most directly by it.

Thank you. I see my time's expired.

Thank you, Mr. Chairman. Thank you again, Senator Barrasso.

The CHAIRMAN. Thank you, Senator Lee.

Senator Barrasso.

Senator BARRASSO. Thank you very much, Mr. Chairman.

Congratulations to all of you.

Thank you, Mr. Kornze for taking the time to visit with me in my office. You know, as we discussed yesterday I do remain concerned that you lack the experience required for the position of BLM Director specifically because the Federal Land Policy and Management Act states that the BLM Director shall have a "broad background and substantial experience in public land and natural resource management."

The President's last nominee, Bob Abbey, had over 30 years of experience in land and natural resource management prior to his nomination. His predecessor, Jim Caswell, also had over 30 years of experience in land and natural resource management prior to his nomination.

In contrast, as we've discussed, you spent less than 3 years at BLM and no time at any other land management agency. With all due respect to the Majority Leader, who was here to introduce you, I think this is not the resume of the perfect nominee. To me it doesn't suggest that you will be the "best Director we've ever had" is how Senator Reid stated it.

So now that the Majority Leader has, who happens to have been your former employer, has eliminated the rights of the minority in the confirmation process, I think it's more important than ever that this committee carefully weigh the qualifications of all nominees. It's imperative that this committee makes it clear that the lower threshold for confirmation does not mean a lower standard for nominees and that the President cannot ignore the requirements of the Federal law.

There is a reason that the law requires the BLM Director to have "a broad background and substantial experience in public land and natural resource management." BLM manages about 245 million surface acres and 700 million mineral acres. The agency has about 10,000 employees. It's not a position for on the job training.

It's a position that has an extraordinary impact on the lives and livelihoods of millions of Americans.

So I believe the burden remains on you, Mr. Kornze, to show us why you should be confirmed.

So I'd like to turn to the BLM's pending hydraulic fracturing rule. Secretary Jewell has said that we need minimum Federal standards for hydraulic fracturing. That may be the case with respect to States that do not regulate hydraulic fracturing. But there is no reason why BLM's rule should apply to States that currently regulate hydraulic fracturing.

In June, Secretary Jewell was unable to tell this committee that the States currently regulating hydraulic fracturing aren't doing a sufficient job. Rather the Secretary applauded the States that currently regulate hydraulic fracturing.

The Secretary testified that Wyoming is a good example of a State that is doing an effective job regulating hydraulic fracturing. She testified in the House that Wyoming has "great," sophisticated fracturing rules. The Secretary made these comments before Wyoming adopted additional rules requiring baseline ground water testing. Nevertheless BLM still seems to believe that States like Wyoming just can't be trusted.

So my question to you is, is there any evidence suggesting that States like Wyoming will weaken or roll back their hydraulic fracturing regulations? If so, you know, which States do you have in mind?

Mr. KORNZE. Senator, thank you for the question. Thank you for the time to meet yesterday. I enjoyed our conversation.

Related to the hydraulic fracturing rule there are some States that have certainly stepped out and appear to be doing a very good job. Wyoming is one of those States. Colorado, California, Texas, have all taken the task seriously. We appreciate that very much.

I think the task that we face at the Bureau of Land Management is that we have somewhere around 33 States where there are oil and gas revenues being produced on public lands. But there are just over half of those States have stepped forward to establish some sort of base line regulation when it comes to hydraulic fracturing. So our goal is to establish something that can be coordinated with States to the greatest degree possible.

In August I was very happy to visit in Denver with the oil and gas regulators from many States, including Wyoming, to talk about how State regulations and Federal regulations can fit better together. Also looking forward how our Inspection Enforcement Teams can be better coordinated so we can maximize our activities on the ground and make sure they're doing the best job in the oil and gas realm.

Senator BARRASSO. Thank you.

I have one other question, Mr. Chairman, if that's alright?

The CHAIRMAN. Of course. Of course.

Senator BARRASSO. Great.

This is to Ms. Schneider.

In June you published a commentary on BLM's pending hydraulic fracturing rule. In that commentary you wrote that BLM's revised rule, "would add another layer of regulation to oil and gas operators on Federal and tribal lands and if adopted could impose significant new regulatory requirements and associated costs."

If confirmed, you would oversee BLM. So what steps, if any, would you take to reduce the regulatory burden and the cost associated with BLM's hydraulic fracturing rule?

Ms. SCHNEIDER. Senator, thank you for the question.

I think we need to try to find ways to maximize our efficiencies where we can including to work together with the States in order to accomplish that goal. You know, I know that the BLM has just closed the public comment period a number of months ago on the rule. They're taking those comments into consideration.

If confirmed, I would certainly become more involved in the process to learn and understand what the comments say so that we can develop a final rule that makes sense.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. I thank my colleague.

I think my colleague from Wyoming knows how much I enjoy working with him. I think what we were able to do in a bipartisan way—I think we were visiting about it this morning—on the grazing issue, where you and Senator Heinrich with Senator Murkowski and I worked together, was really an example of how policy ought to be made.

I think Neil Kornze is going to bring that to us in this whole effort. I would just put into the record a letter from John Laird, Secretary of Natural Resources for the State of California.

He states and I quote here. "Mr. Kornze's collaborative style approach to Western States and experience within the Department of the Interior will serve him well as he addresses the many resource management issues the Bureau of Land Management," you know, "oversees."

I mean so the record is clear. This is an individual with extensive experience with public land issues in addition to having run BLM for the better part of the year, he's got more than a decade of experience both at the Department of the Interior and in the Congress working on these issues. So this is an individual who is steeped in public lands questions.

I just wanted to make Mr. Laird's letter a part of the record and let my colleague from Wyoming know that we are going to continue to work very closely with him on these issues because the need for collaboration is so critical.

Senator Hoeven, we're glad you're here.

Senator HOEVEN. Thank you, Mr. Chairman.

I want to begin with first of all, thanks to all of you for being here. I want to begin with a question for Ms. Schneider.

Really picking up where you left off following the Senator from Wyoming's question. That is hydraulic fracturing.

States like North Dakota, Wyoming, Texas and others have very sophisticated protocols for overseeing hydraulic fracturing. So as you work on your rule you need to work with the States. I really believe in that States' first approach. It's been used in other types of energy regulation.

I want to hear your views on really working with the States to empower the States on hydraulic fracturing.

Ms. SCHNEIDER. Senator, thank you for the question.

I want to also thank you for the time that we spend last week when we met together.

Senator HOEVEN. Thank you.

Ms. SCHNEIDER. As I mentioned, I think it's critically important to work with the States. I mean, the States are obviously on the ground there and they know what's going on. So we want to make sure that we take all of the information that they've developed and integrate that as best we can into the Federal decisionmaking process.

Senator HOEVEN. Are you willing to work in a way with the States that really gives them that States' first approach in terms of the regulatory authority?

Ms. SCHNEIDER. I think what we want to do is, if I'm confirmed, I want to, you know, sit down and meet with the folks at the BLM to get an understanding of what their perspectives are, get an understanding of what the States' perspectives are and then move forward in that direction.

Senator HOEVEN. Mr. Kornze, I want to thank you for coming out to North Dakota. We appreciate it very much with Secretary Jewell. Of course, appreciate Secretary Jewell being there as well as we've had our Chairman and Ranking Member from this Energy Committee both have been out too. For all of you, that's the way to do your homework. And thank you so much.

So the first question that I'd have for you, Mr. Kornze, is we have 525 applications pending on BLM land in North Dakota. I've talked to you about this before. We need to find ways to address that backlog.

You have a tremendous regional manager out of Billings, Jamie Conley, who we love working with, who is trying to find creative solutions.

Will you commit to continue to work with her and us to find creative solutions to address that backlog?

Mr. KORNZE. Absolutely, Senator. I appreciate the question.

North Dakota presents a unique challenge in terms of the resource in the Bakken and the growth of the access into the Bakken over the last few years. So we have moved strike teams into our Dickinson office when possible. I certainly commit to you to keep working on that, if confirmed to make that a priority and get the resources to the right places.

Senator HOEVEN. We have legislation pending right now which I think will pass very soon. It's the BLM Flexibility Act. It would allow offices to work across State lines.

So for example, your Mile City, Montana office could work in North Dakota. This will also help Wyoming. I see that the good Senator from Wyoming has left, but will you help us with that legislation and then also work to implement it once passed?

Mr. KORNZE. Senator, that kind of flexibility would be a great gift to the agency. We have moving pieces, you know, a few years ago Mile City was in high demand, now it's Dickinson. A few years ago it was Buffalo, Wyoming, now it's Casper.

So increased flexibility would be something we would welcome with open arms.

If confirmed, I look forward to working with you to make sure that's implemented appropriately.

Senator HOEVEN. OK. Again, I want to thank all of you for being here, but I particularly again, want to thank Mr. Kornze for com-

ing out to our State, seeing what's going on, spending time, meeting the people. I appreciate that very much.

Thanks to both you and Ms. Schneider for coming by to see me and talk about these issues, so my thanks and appreciation for that.

Thanks to all of you.

The CHAIRMAN. Thank you, Senator Hoeven.

We're going to have another round. I have some additional questions. I think Senator Murkowski does.

Let me start with you, if I might, Mr. Kornze.

We covered a lot of ground on the first round. You're going to be working with us on the question of fair return on public lands, especially with the GAO reports that are coming out.

You'll work with me on an issue of enormous importance to my constituents which is really looking at NEPA in the context of these rural Oregon counties where we can build on some of your experience. I think, very welcome, again, with large landscape scale work in the forests.

I want to address the two goals of NEPA. We've got to look at the environmental impacts of proposed action. We've got to inform the public and find a way to not have unnecessary delay.

You've indicated that you would work with us on that.

You'll work with us on a long-term solution for county funding because as you know, ever since 2000 when that law was written here in this committee, that has been a challenge.

So we have essentially addressed those 3 issues to recap.

I want to talk to you now about helium and then I want to talk to you about methane leakage on this round.

The Congress, as you know, recently passed legislation allowing BLM to continue to operate the Federal Helium Reserve. But in doing so the Congress made a number of very important changes in the way BLM is supposed to operate including the use of open auctions.

The helium program is certainly not the largest that is operated at the BLM. But certainly, as Senator Murkowski and I and a lot of Senators learned, helium is enormously important to the American economy. For example, it was well-documented what the implications were for MRIs, but for example, INTEL, a huge private sector employer in my home State, cares tremendously about this issue, as do many other technology companies.

If you're confirmed, will you make sure that implementation of the helium legislation is a top BLM priority, including upgrades to equipment to keep the reserve operating or completed as quickly as possible and that you will work with the committee to meet the requirements of the legislation?

Mr. KORNZE. Senator, I appreciate the question. I also appreciate the work of this committee, in particular, the Chairman and the Ranking Member, in making the Helium Stewardship Act possible. Not only is the continuation of the program important, but also what you were able to do with the funds, notably, legacy wells is much appreciated.

You have my, if confirmed, you have my absolute commitment to make sure that we are at the table and working swiftly to implement that law. I got an update as recently as yesterday and we're

making good progress in implementing different pieces of the act and look forward to continuing to be at the table throughout and to make sure that that's done well and done successfully.

The CHAIRMAN. Let's do this, because I think that's very constructive. Can we just say that you will give us regular updates on the implementation of the helium legislation?

I'm going to work with the staff because we call audibles here from time to time and want to have some time to consult with you. But let's set up a regular update system where Senator Murkowski and I would get, on an ongoing basis, information about the implementation of that program.

It is so important, and suffice it to say, I think something like 3 presidents and 5 Congresses have tried to get this right. I think we finally struck a balance with the auctions, trying to address the needs of American industry and we were able to generate more revenue than we thought which has been of great help to a number of the public purposes that this committee has to address.

So I think we're off to a strong start. But it would be very helpful to have regular updates. Is that something that is acceptable to you?

Mr. KORNZE. Senator, we would be happy to provide regular updates to you.

The CHAIRMAN. Very good.

Let's talk now about methane leakage.

As you and I talked about my view is this is one of the premier environmental challenges of our time. It is many times more potent even than carbon dioxide. So this is a matter of enormous environmental and public health concern.

Recently the Department of the Interior released their statement on regulatory priorities for 2014. In the release the Department prioritized the reduction of wasted oil and gas from production on Federal onshore lands. That would mean reductions in flaring of associated gas and reductions in fugitive and vented methane emissions.

It would also mean greater royalty payments for oil and gas produced on Federal lands and an increase in sources of American energy.

The Department has announced an August 2014 deadline for this proposal which is a slight delay from the previous commitment of May.

Discuss if you would the issue of wasted oil and gas resources on Federal land and your commitment to making sure that there is a strong and effective rule, a strong and effective final rule, to prevent wasted oil and gas resources.

Mr. KORNZE. Senator, I appreciate the question. This is a very important issue.

We intend to develop a rule around methane capture. It would be onshore order No. 9. The onshore orders are how we regulate oil and gas.

Right now we have a notice to leasees in place which is 20 to 30 years old. So there's a lot of updating to do.

One of the key steps we're going to be taking is looking at the recent study that came out from the Environmental Defense Fund

and the University of Texas which pointed out some weaknesses in the general system.

Also we'll be talking closely with the State of Colorado which has stepped out in recent weeks with a State-level regulation for methane capture.

Also working closely with States like North Dakota where there is quite a bit of venting and flaring comparatively. I know one of the main challenges in that State is midstream, making sure those pipelines to get that gas out of there.

So there's many challenges associated with this. It's a high priority for us. We look forward to working with you and this committee with that challenge.

The CHAIRMAN. Thank you for that.

I share your view. This is an issue with great implications.

For example, the House passed a pipeline bill here recently. One of the issues that I've been exploring and will be anxious to talk to colleagues about is saying for the future we're going to need more pipelines because we've got to get the gas to market. But they ought to be better pipelines and in particular, if we can reduce methane leakage by having smarter pipelines for the future, this is an opportunity to do something that could be very good for the American economy and also very good for the planet.

So I'm going to want to explore that with you. I, of course, want to talk to colleagues here in the committee about it first. But your involvement on the methane leakage issue is very important.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Kornze, I appreciate you bringing up the issue of the Alaska land conveyances and where we are, the fact that our technologies will allow us to move more quickly when it comes to the completion of these surveys. I don't think most people can appreciate, nor would they tolerate that a promise made at statehood, now some 54 years after statehood, in terms of promises made in terms of conveyances, that those conveyances have not yet been complete because much of the preliminary survey work has not been done. It's just incomprehensible to a lot of people.

But it comes down to priorities within a budget. Unfortunately we have not seen the priority placed on this. It's not just this Administration. It goes back quite a ways.

So I appreciate your commitment to help us with seeing that this promise made to the State at statehood and to Alaska natives with the Alaska Native Land Claims Settlement Act, that these promises are kept.

So I do think that in terms of making sure that we place priorities in those areas where we have legislative mandates. We're 40 years delinquent on fulfilling, that those priorities would come before some priorities whether it's climate change monitoring or adaptation. Things that are brand new on the ground. In the meantime you've got promises that are pretty dated.

We need to address them. It's not just the land conveyance. It's the legacy wells that you have mentioned.

A couple times now we were successful in getting \$50 million from helium sales which helped. But the reality is the necessary moneys were not included in the budget. It was through the efforts

of the Chairman and myself as well as colleagues in the other body to help advance that.

We also have further issues as they relate to contaminated lands that have been conveyed to Alaska natives. The No. 1 priority at the Alaska Native Village CEOs is to deal with this issue of the cleanup of these contaminated lands. Kind of a raw deal when you're told OK, here's your land conveyance, your promise. But it's fouled or contaminated land.

So we have much to do in this area. I appreciate your attention to it. You certainly know about the issues. We need to make sure that the priorities in terms of addressing them and keeping that commitment and promise are made.

So, appreciate the opportunity we had to discuss it. We will be looking forward to more conversation and more action on that.

Ms. Schneider, I just, as I was sitting here in midway through this hearing, received a letter from my Governor, who is writing on behalf of the Outer Continental Shelf Governor's Coalition. He is the Chair of that.

He has stated in this letter that he hopes that the OCS Governor's Coalition can cultivate a substantive ongoing dialog with you, if you are confirmed, on the opportunities and challenges facing offshore energy development and the roles the coastal States play.

He goes on to outline a number of concerns, a number of questions, much of which relate to the concern that there is not much dialog, perhaps no dialog between the States and the agencies as it relates to the planning for much of what goes on in the offshore and asks specifically to discuss the legal and otherwise appropriate role for the input of State governments and what actions would you take to ensure sufficient and ongoing input from the States.

Other issues that he raises are, again, the timeliness of permits for OCS oil and natural gas operators, further issues on revenue sharing, following up on the question of Senator Scott, leasing plans in the Atlantic and additional leasing opportunities going forward.

Recognizing that we're pretty much out of time here, I would submit the Governor's letter for the record and would ask that you respond to these questions as you respond to the additional questions for the record that I will be submitting to you.

I do think that these are very important questions that have been raised.

I guess I would ask you to speak just briefly here to what role you do believe, in terms of input from the States and State governments. What role is there? Do you think that you have sufficient input right now from the States because apparently the States or this coalition does not think that we do have that sufficient input that that dialog is strong and robust as it needs to be.

The CHAIRMAN. I don't want my friend and colleague to be short-changed on this. I plead guilty to having one additional question by the way.

Senator MURKOWSKI. OK.

The CHAIRMAN. But I do not want Senator Murkowski short changed since she's raising an important point and I think that direct question was directed at you, Ms. Schneider.

So please proceed.

Ms. SCHNEIDER. Yes.

Thank you, Senator.

I can't speak to the level of dialog ongoing currently between the States and the Administration as I'm not part of the Administration. But I am committed to improving dialog between the States.

I worked for the State of Oregon for a couple of years. I worked for the State of Florida. I understand that States have perspectives and they have voices and they need to be heard.

I think, if confirmed, I will do everything I can to make sure that States are heard, that I go out, I meet with the States, that I go to the various States to understand what their perspectives are because obviously things are different in the different jurisdictions and that the States have an ample opportunity to voice their opinions on development opportunities both onshore and offshore.

Senator MURKOWSKI. I might suggest that this OCS Governor's Coalition might be a great place for you to start.

Ms. SCHNEIDER. I agree.

Senator MURKOWSKI. That dialog.

So I'm sure that they will look forward to hearing from you on many of these important issues.

Mr. Chairman, I do have additional questions that I will submit for the record.

Probably one that I would like you to, both Ms. Schneider and Mr. Kornze to focus on a little more intently is the question that relates to ANILCA and the, basically, the history and the premise behind the ANILCA provisions and the no more clause.

We are daily concerning in Alaska that this Administration will move forward in announcing new wilderness in our State, new wilderness most particularly up in the coastal plain and in direct violation and contravention of the ANILCA Act.

So I would ask that you look critically at that, that you look to the history of ANILCA as you understand how, not only the issue of wilderness plays out, but so many other aspects of management of our lands in the State tie into the provisions of ANILCA and most specifically the no more clause contained within that act.

So with that, Mr. Chairman, I thank you for an extra few minutes there.

The CHAIRMAN. Thank you.

Ms. Schneider, I very much share Senator Murkowski's point about listening to the States. Since you were in the State, you probably know that I've had something like 660 town hall meetings. Folks always say "When's the next one?" because I think there is, as Senator Murkowski pointed out, such a hunger in the West simply because we are so far from Washington, DC, for people to have a chance to weigh in on these issues.

So let me just underscore what my colleague has said about the importance of listening to folks and particularly in the West.

Last question that I wanted to ask is about technology transfer for you, Dr. Kastner and Dr. Williams.

We've had all kinds of ideas floated up here on the Hill to make the national labs better at tech transfer, to make it easier for businesses to partner with them, and to tap into the unique capabilities and expertise that we have at the national labs.

I don't want you to feel short-changed for purposes of this discussion. You can give us an expanded answer. But why don't you each highlight, if you could do a couple of things to improve the tech transfer process, what would you do?

Start with you, Dr. Kastner.

Mr. KASTNER. Thank you for the question, Senator.

The CHAIRMAN. Then we can liberate you four. It's been a long morning.

Mr. KASTNER. Thank you, Senator.

I think tech transfer is really very important. At MIT we have a very strong record in this taking scientific discovery to the stage of technology and then into creating small companies so that these things come to the marketplace.

I believe that a lot more could be done. But I really need still to understand what is being done better before I would make specific recommendations. But let me say that this is really important to me, if confirmed, I would work really hard on it because I think it's extremely important that the investments in basic science pay off for the American people in ways that improve their lives.

The CHAIRMAN. Dr. Williams.

Ms. WILLIAMS. Thank you very much for that question.

I believe there is a special area where there's a gap we can help to bridge in bringing the creativity of basic science through to the next stage of development where the market can take over and make choices.

So, if confirmed, I would be very excited to work with ARPA-E on that mission of identifying the very early stage, basic science results that have the potential to become transformative. Many of those will come from our national laboratory system and work to get those over that gap of basic to demonstration so that they can later move on into technology transfer to commercial sector.

The CHAIRMAN. Thank you all.

I think at this point you all have been very patient and have taken the time to answer a great number of questions. You could see the Senators' interest.

It's my intention to support all of you very strongly. I believe Senator Murkowski, perhaps we ought to leave the record open until tomorrow night?

Is that acceptable? Do you wish for a longer period? What's your pleasure?

Senator MURKOWSKI. Mr. Chairman, I am certainly ready with all of my questions. I think we had pretty good participation here amongst the committee members.

But I will put out the word to all the other members to get their questions in promptly then—

The CHAIRMAN. Very—

Senator MURKOWSKI. Would ask that the nominees respond in kind.

The CHAIRMAN. Very, very good.

I think we've had a lot of Senate participation. Senators may have additional questions. So, as Senator Murkowski has urged, we're going to need quick responses.

With that, the committee is adjourned.

[Whereupon, at 12:31 p.m. the hearing was adjourned.]



## APPENDIXES

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### APPENDIX I

#### Responses to Additional Questions

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RESPONSE OF MARC A. KASTNER TO QUESTION FROM SENATOR WYDEN

##### FUSION ENERGY

*Question 1.* As you have experienced firsthand at MIT, sacrifices are being made in the funding of our domestic fusion programs to satisfy the US contribution to ITER, the international fusion project.

- Do you feel that the right balance is currently being struck between domestic programs and ITER?
- Are there other options that would not require sacrificing our domestic programs, but also would not expand the budget of the total fusion program?

Answer. If confirmed, I will be recused from any particular matters that would have a direct and predictable effect on MIT, including any decisions on the future of the Alcator C-Mod fusion facility. I will follow guidance from DOE's Designated Agency Ethics Official on whether that recusal should include other matters in the fusion program.

That said, I certainly agree with you that finding the right balance between ITER and the domestic fusion program is very important. We have an international commitment to ITER, but we also have to maintain an impactful domestic program and domestic facilities. I am not yet part of the Department of Energy, so I cannot comment yet on what options might exist for fusion funding that don't entail expanding the fusion budget overall. If confirmed, I look forward to learning more about the Fusion Energy Sciences program and how the domestic and international components are balanced.

RESPONSES OF MARC A. KASTNER TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 1.* Recently, there have been concerns raised about the evolving missions of the national labs and the need to ensure that they support our national energy and security needs in the most efficient and cost-effective way. Do you believe the national labs need reform? If so, and if you are confirmed, what would you do to reform the national labs system?

Answer. The national labs are a great strength of DOE and of the Office of Science. At the beginning of my career I worked at Argonne National Lab, and more recently at Brookhaven National Lab, and I saw firsthand the great science that emerges from the research of the national lab system. I am aware of the recent reports on the labs. I understand that the Department is in the process of constituting the National Lab Policy Council and National Lab Operations Board to look at lab issues, including those raised in various reports. Both of these groups contain representatives from the labs and DOE, working collaboratively together to find ways to improve our labs. If confirmed, I will work with Secretary Moniz and my counterparts across the Department on these important issues. I also look forward to working with you on this and other issues involving our national labs.

*Question 2.* We now know that the Undersecretary for Science will not only oversee science-related offices but also all of the energy offices at DOE. If confirmed, how would you anticipate working together with a much wider array of offices with a range of different missions?

Answer. I believe the new responsibilities of the Undersecretary for Science will enhance collaboration between the Office of Science and other programs by regularly

bringing the leaderships of these programs together in order to foster collaboration and coordination. The Office of Science has a long history of working well with the applied and technology offices to make sure the basic science portfolio is aligned well with needs of the technology offices. I have learned that there are multiple “tech teams” and working groups that bring people from across the Department together on various topics. If confirmed, I look forward to working with the Undersecretary for Science and Energy and my colleagues across energy program offices to help turn discoveries in basic science into advancements in clean energy technologies that reach the marketplace.

*Question 3.* I think we would all like to see fusion energy happen by the middle of this century or sooner but I’ve been advised that there are plenty of science and materials issues to be resolved before we can even think of fusion power. Could you tell me your thoughts on what are the priorities in fusion research for this country? Could you also address DOE’s ever increasing commitment to the International Thermonuclear Experimental Reactor, which some say has a negative impact on our future domestic research and development capabilities?

Answer. I want to preface this answer by noting that, if confirmed, I will be recused from any particular matters that would have a direct and predictable effect on MIT, including any decisions on the future of the Alcator C-Mod fusion facility. I will follow guidance from DOE’s Designated Agency Ethics Official whether that recusal should include other issues in the Fusion program.

That said, I agree that fusion energy holds great promise, but that there are still many technical, engineering, and scientific challenges before it becomes a viable and affordable source of energy. The Fusion Energy Sciences program funds research in order to find solutions to overcoming the materials and other challenges you mentioned. I believe that ITER and our domestic facilities and programs will all play a role in understanding how to control burning plasma leading toward a real fusion energy source. I recognize that ITER is a large and complex undertaking, both in terms of the size of the budget element and as an international scientific collaboration.

#### RESPONSES OF MARC A. KASTNER TO QUESTIONS FROM SENATOR LANDRIEU

*Question 1.* Dr. Kastner, as I understand it, Secretary Moniz has had to recuse himself from involvement in the Fusion Energy Sciences program because of MIT’s involvement in the fusion program and the fact that he was from MIT. Do you face a similar need to recuse yourself from involvement in fusion?

Answer. While I do not have the information to comment on Secretary Moniz’s recusal, if confirmed, I will be recused from any particular matters that would have a direct and predictable effect on MIT, including any decision on the future of the Alcator C-Mod fusion facility. I will follow guidance from DOE’s Designated Agency Ethics Official on whether that recusal should include other matters in the fusion program.

*Question 2.* Dr. Kastner, what is your opinion about the U.S. maintaining its commitment to the ITER fusion project?

Answer. ITER is the largest and most complex international scientific project in fusion ever attempted. If successful, it would be the first realization of a “burning plasma” that would generate net energy for the first time. I think we must take our international commitments seriously, while ensuring a balanced fusion portfolio.

*Question 3.* Dr. Kastner, I believe that it’s very important for the U.S. to maintain a healthy domestic fusion research program. But, it’s clear that for the past few years, many of our university fusion programs, including MIT, have suffered serious cuts and have lost students and professors. In addition, our major fusion experiments have only historically operated a handful of weeks a year because of inadequate budgets. What will you try to do about this if you are confirmed? Do you think that the necessary increased funding for the ITER project should come at the expense of the domestic fusion budget?

Answer. I want to preface this answer by noting that, if confirmed, I will be recused from any particular matters that would have a direct and predictable effect on MIT, including any decisions on the future of the Alcator C-Mod fusion facility located at MIT. I will follow guidance from DOE’s Designated Agency Ethics Official whether that recusal should include other issues in the fusion program.

I agree that it’s important we must strike the right balance between our domestic fusion program and ITER. It is my understanding that the Office of Science supports many students and scientists at fusion program and facilities across the country.

In this time of lean budgets, it is important we take a hard look at how to best balance the fusion portfolio. We have an international commitment to ITER, but we

also must maintain an impactful domestic program and domestic facilities. If confirmed, I look forward to learning more about the Fusion Energy Sciences program and how the domestic and international components are balanced.

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RESPONSES OF ELLEN D. WILLIAMS TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 1.* In a recent interview as the Chief Scientist for BP, you stated that BP Solar has pulled out of the solar energy business because of its inability to compete with inexpensive “made in China” solar panels. If confirmed as the head of ARPA-E, how would you address development of highly reliable and innovative energy production technologies while facing fierce competition from much cheaper solutions overseas?

Answer. I believe it is important that any project receiving federal funds is equipped to compete in a global marketplace. While ARPA-E seeks to develop transformational energy technologies that do not exist today, I understand that the ARPA-E technology-to-market program provides awardees with practical training and critical business information to equip projects with a clear understanding of market needs to guide technical development and awareness of evolving markets to help technologies succeed.

Further, I understand that ARPA-E requires small businesses to manufacture substantially in the United States any products used or sold in the United States that embody inventions that were first conceived of under an ARPA-E award. I also understand that ARPA-E requires large businesses to manufacture substantially in the United States any products that embody subject inventions, whether they are used and sold in the United States or overseas.

If confirmed, I look forward to learning more about what ARPA-E can do to help U.S. businesses remain competitive in a global marketplace and advancing those opportunities.

*Question 2.* By some estimates, the energy sector currently accounts for 14 percent of the nation’s freshwater consumption, but it is projected to account for 85 percent of the growth in freshwater consumption by 2030. I think we would all agree that water is vital in sustaining affordable, efficient and clean energy solutions, whether it is to cool power plants, produce and extract oil and gas, or grow feedstock for various biofuels. ARPA-E has invested some resources in examining these applications. What unique opportunities do you see that could make a substantial difference in water use and consumption in the energy production sector?

Answer. As you may know, Secretary Moniz noted the importance of the energy-water nexus in his confirmation hearing and I agree with his assessment of the significance of this topic. One of ARPA-E’s missions, improving energy efficiency in any economic sector, is closely aligned with improving water efficiency in the energy sector. This is because the major energy-related consumption of water in the United States is due to use of water for cooling to remove waste heat. Improved energy efficiency reduces waste heat and will directly reduce the related consumption of water.

Opportunities to improve energy efficiency, with related decreases in water consumption, will include more efficient manufacturing processes, more efficient carbon capture processes, more efficient separations processes and more effective use of low grade heat. If confirmed, I would be interested in working within ARPA-E and with other federal agencies with direct responsibility for US water issues to assess potential opportunities in the energy-water nexus and in improved energy efficiency in reducing freshwater consumption.

*Question 3.* I think a key to ARPA-E’s success is its ability to entice industry to pick up future technologies that solve specific energy problems. What is your understanding of the process by which technologies under research and development at ARPA-E are transferred from conceptual idea to market deployment? Please provide some previous statistics regarding the success in achieving market deployment.

Answer. In my view, a key component of the ARPA-E model is the technology-to-market program. The ARPA-E technology-to-market program provides awardees with practical training and critical business information to equip projects with a clear understanding of market needs to guide technical development and help projects succeed. Awardees are required to provide a technology-to-market plan prior to receiving an award and work closely with ARPA-E’s technology-to-market advisors throughout the project, developing custom strategies to move projects toward the marketplace. In addition, ARPA-E facilitates relationships with investors, government agencies, small and large companies, and other organizations that are necessary to move awardees to the next stage of their project development.

I am told that, as of March 2013, ARPA-E funding has led to the formation of 12 new companies and 17 projects have attracted over \$450 million in private sector

funding after ARPA-E's initial investment of approximately \$70 million. Several ARPA-E projects have begun demonstration testing with various public and private corporations to further develop their technologies. If confirmed, I look forward to continuing this important trajectory.

*Question 4.* Do you think that ARPA-E is working in a synergetic way with other DOE offices, especially the Office of Science where one sees some overlap in research activities? I want to ensure that we don't have too many duplicative and unnecessary efforts across the Department and that we optimize those activities that do overlap. One area of such potential duplication is energy storage R&D, with multiple programs, for example, at ARPA-E, the Office of Science and its national labs, and at Office of Energy Efficiency and Renewable Energy. Please comment.

Answer. It is my understanding that programs throughout the Department address multiple stages of research, development and deployment across integrated topics. For example, ARPA-E plays a unique role in the Department's broader research and development portfolio, focusing on transformational energy technologies that are too early for other DOE applied R&D programs. The Office of Science focuses on basic research with the goal of providing scientific understanding to accelerate solutions to energy challenges. Although I am not yet at the Department, I understand ARPA-E coordinates closely across the Department's applied energy programs and the Office of Science. If confirmed, I will continue that work to ensure that ARPA-E's efforts are coordinated with all relevant programs across the Department.

*Question 5.* Should you be confirmed, how would you prioritize the work of ARPA-E in an increasingly budget constrained environment?

Answer. As the nominee for Director of ARPA-E, I believe funding the work of ARPA-E should be a high priority. If confirmed, I would continue ARPA-E's rigorous program design process and hands-on-engagement to ensure thoughtful expenditures that leverage funding and deliver value in this environment of limited resources.

*Question 6.* Can you please comment on how success is measured at ARPA-E? Is it by the number of successful technology deployments, the number of projects picked up for further maturation by industry, or other parameters? In your opinion, is ARPA-E meeting the success goals that it laid for itself?

Answer. I believe the success of ARPA-E programs and projects will ultimately be measured by impact in the marketplace. However, as the projects ARPA-E funds seek to generate transformational energy technologies that do not exist today, it is my understanding that ARPA-E looks at various metrics to measure ongoing progress towards eventual market adoption. For example, early technical achievements are measured by indicators such as patents and publications, and success is also gauged success by the formation of new companies and fostering public and private partnerships to ensure projects continue to move towards the market.

I am told that, as of March 2013, ARPA-E funding has led to the formation of 12 new companies and 17 projects have attracted over \$450 million in private sector funding after ARPA-E's initial investment of approximately \$70 million. Several ARPA-E projects have begun demonstration testing with various public and private corporations to further develop their technologies. I view this as success, and if confirmed, I look forward to working toward the success of more projects and companies.

*Question 7.* Does ARPA-E have the ability to partner with similarly directed foreign governmental entities to get more "bang for the buck" when it comes to research and development? Please explain.

Answer. It is my understanding that ARPA-E does have the ability to partner with foreign governmental entities, however, such an agreement would be expected to comply with ARPA-E's existing intellectual property and domestic manufacturing requirements. While I understand that ARPA-E does not currently have any partnerships with foreign governments, if confirmed I look forward to exploring this area with great interest.

#### RESPONSES OF ELLEN D. WILLIAMS TO QUESTIONS FROM SENATOR MANCHIN

*Question 1.* Arpa-e, the organization you've been nominated to lead, has projects that look at carbon capture and sequestration (CCS) from coal power plants. It also has projects that try to figure out how we can use that carbon dioxide (CO2) to make something useful. These areas are extremely important to my state, as well as the nation, if we're serious about improving how we use fossil fuels. Can I get a commitment from you that you'll continue to look for solutions for CCS and CCUS (carbon capture, utilization, and storage) if you are confirmed as the Director of Arpa-e?

As a follow up, would you agree that developing these technologies is critical given the continued projected use of coal and natural gas, both here in the U.S. and overseas?

Answer. As part of the Administration's "all-of-the-above" energy approach, I support funding energy technologies needed to create a more secure and affordable American future. ARPA-E's role in this mission is advancing high-potential, high-impact energy technologies that are too early for private sector investment. I am pleased that this has included and may continue to include Carbon Capture and Utilization technologies, which complement ARPA-E's portfolio of investments in this technical area. I agree that investment these technologies are critical for use of both coal and natural gas resources in the U.S. and globally, and if confirmed I look forward to working with you on these important issues.

*Question 2.* You understand that solving our energy challenges requires more than just understanding the science: it takes working with people in the real world to figure out how to develop successful solutions. You said as much in an interview a year ago with *Energy Quarterly*, and that's a breath of fresh air to hear from a nominee. Can you discuss how you'll establish partnerships with both the private sector and national laboratories to make sure we're developing the right technologies?

Answer. I believe that partnerships with private industry, academia, national laboratories, and other government agencies are critical for both the development of new programs and to help existing projects continue to move towards the market. It is my understanding that the concept for any new ARPA-E program is developed through engagement with diverse science and technology communities from all sectors, including some that may not have traditionally been involved in the topic area, to bridge basic science to early stage technology with improved potential for commercialization.

In addition, in my view ARPA-E encourages interdisciplinary thinking in applications by recommending that projects use a diverse combination of skills and partners that can approach challenges in new ways. As part of ARPA-E's technology-to-market program, relationships are facilitated with investors, government agencies, small and large companies, and other organizations that are necessary to move awardees to the next stage of their project development. I understand that ARPA-E also has MOUs with private companies, governmental entities and non-profit organizations to identify opportunities to test and accelerate the commercialization of ARPA-E funded technologies. If confirmed, I look forward to working with you in this important area.

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RESPONSES OF JANICE M. SCHNEIDER TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 1.* Are you familiar with the "No More" clause contained in the Alaska National Interest Lands Conservation Act (ANILCA)? ANILCA transferred 124 million acres of lands in Alaska—a size almost equal to the entire east coast—into federally protected acreage like parks, refuges, monuments and wild and scenic rivers. In enacting ANILCA, Congress found that the law "provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on public lands in Alaska and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby." Additionally, Section 1326 of ANILCA specifies that there can be no "future executive branch action which withdraws more than 5,000 acres in the aggregate of public lands in the State of Alaska."

a. How do you interpret ANILCA's "No More" clause?

b. Given ANILCA's "No More" clause, what authority did the Administration use to reclassify nearly 13 million acres in the National Petroleum Reserve—Alaska (NPPRA) as "Special Areas," thereby preventing further energy development?

c. I understand the Administration is also about to unveil a new land management plan for the 19 million acre Arctic National Wildlife Refuge that may seek additional wilderness designation beyond the 8.5 million acres already designated as wilderness. How does this move square with ANILCA's "No More" clause?

Answer. Because I am not currently part of the Administration, I cannot address the reasons for the specific actions referenced in your question. However, if confirmed, I commit to ensuring that actions taken by the bureaus under the purview

of the Assistant Secretary for Land and Minerals Management are consistent with all applicable laws.

*Question 2.* The federal government's conveyance program of land owed to Alaska and Alaska Natives is mandated under the over 42-year-old Alaska Native Claims Settlement Act (ANCSA). The BLM has repeatedly proposed to cut the funding and personnel for the Alaska Conveyance Program and perhaps more egregiously, BLM proposes to take the State of Alaska's 50-percent share of revenue from oil and natural gas activity in the NPR-A to pay for the land conveyance program and the Legacy Well Cleanup. I believe the Department should fund conveyance and surveying closer to the \$29 million that was provided in FY 12—without making Alaska foot the bill. The Alaska Land Conveyance Program is very important both to the State of Alaska and to the Alaska Native Corporations who are eagerly awaiting their long promised lands to which they are entitled.

a. If confirmed, can you commit to me that you will ensure that the Alaska Land Conveyance Program receives the necessary funding to complete the conveyances as expeditiously as possible?

Answer. I understand the importance of completing the Alaska Conveyance work and support efforts to complete this work as expeditiously as possible. If confirmed, I will be cognizant of the Department's outstanding commitment to complete the Alaska Conveyance work in reviewing program activities and in discussions on the budget.

b. Do you believe that it is proper for the Administration to reduce the funding of a legislatively mandated program, and one which it is 40 years delinquent on fulfilling, while spending funds on non-legislatively mandated programs, like climate change monitoring and adaptation?

Answer. If confirmed, I will work closely with the BLM Director and Departmental leaders to develop balanced funding recommendations for the Secretary's consideration. Factored into this balance would be statutory and contractual requirements, mission-directed requirements, investments needed to perform Departmental missions more effectively, and deficit reduction considerations.

*Question 3.* The federal government both directly and under contract drilled some 136 oil and gas and exploratory wells in the National Petroleum Reserve-Alaska in the 1940s and again in the early 1980s. Many of those wells have not been properly capped and were instead abandoned. The State of Alaska has been seeking for years for Interior to do a better job of cleaning up its messes, just as the government would fine private developers who had not properly secured exploratory wells. Earlier this year the Administration proposed to use Alaska's share of mineral leasing revenues to pay to remedy the federal messes—something I found totally unacceptable and unjust.

a. While we approved \$50 million in the recent helium legislation that may fund 16 more well cleanups over the next five years, do you believe it is the federal government's responsibility to clean up all remaining wells at its own expense—not Alaska's—in the future?

b. With the \$50 million in funding for well remediation and clean-up in the Helium Stewardship Act, can you please provide me an update on the status of the planning for well cleanup in 2014?

c. When will you be able to share with me a written cleanup plan for 2014? Which wells will be remediated?

d. If confirmed, will you make funding for well remediation in the NPR-A a priority?

Answer. I believe the federal government has a responsibility to clean up these wells. Because I am not currently part of the Administration, I cannot speak to the current planning efforts regarding remediation of NPR-A Legacy Wells. If confirmed, I am committed to working with the BLM Director and others in the Department's leadership to ensure the agency has the resources it needs to complete this important work.

*Question 4.* The Federal Government participated in armed field visits during August 22-27, 2013 near the community of Chicken, Alaska. I have conveyed my frustration and the frustration of Alaskans at the manner in which these raids were undertaken, which have come to symbolize continued Federal Government overreach in Alaska. Will you commit to working with me to ensure such an overzealous law enforcement approach does not occur again?

Answer. I have not been briefed on the specifics of this operation. If confirmed I will make every effort to ensure the BLM enforcement actions are done in a professional manner and in full compliance with all applicable laws.

*Question 5.* Do you believe energy production on federal lands, including oil and gas, should be increased in principle? If so, what are steps you will take to ensure this happens?

Answer. I am committed to the President's all-of-the-above energy strategy to expand domestic energy production and reduce dependence on foreign sources of energy. If confirmed, I will work with the directors of the bureaus under my purview, including the Bureau of Land Management, the Office of Surface Mining Reclamation and Enforcement, the Bureau of Safety and Environmental Enforcement, and the Bureau of Ocean Energy Management, to ensure permitting and review processes are efficient and effective.

*Question 6.* Do you believe that federal lands offshore should, with deference to environmental safeguards, as well as the rights and interests of the states, be developed in an "expeditious and orderly" manner, as stated by the Outer Continental Shelf Lands Act? Please explain.

Answer. Offshore energy resources are important parts of the United States' domestic energy production portfolio. As I noted at my confirmation hearing, I believe it is important to engage with states in this regard. If confirmed, I will support the Department's programs to promote the safe, responsible and efficient development of the Nation's offshore conventional and renewable energy resources and will ensure states have opportunities to provide input on these decisions.

*Question 7.* As you know, seismic studies have not been conducted in the Atlantic OCS for several decades now. It is my understanding that planning for the 2017-2022 period will begin next year, even as the environmental impact statement for seismic activity has been delayed. Can you commit to including Atlantic areas in the five year plan?

Answer. As I indicated at my confirmation hearing, if confirmed, I will be committed to expeditiously providing the Secretary with the information necessary to inform a decision regarding the potential inclusion of the Mid and South Atlantic Planning Areas for leasing in the 2017-2022 Five Year Program.

*Question 8.* Does present-day technology allow Americans to develop energy resources on federal lands while protecting the environment? Do we have sufficient knowledge about hydraulic fracturing, horizontal drilling, and other unconventional technologies to use them for production in an environmentally-safe manner?

Answer. I understand that hydraulic fracturing and horizontal drilling methods can be used safely and effectively if best management practices are utilized. If confirmed, I will make it a priority for the BLM to remain current with emerging technologies and best practices to ensure safe and responsible development of oil and gas on federal lands.

*Question 9.* As you know, there is an effort underway to build a pipeline to transport gas from Alaska's North Slope to southern Alaska for LNG export. When the line's commercial considerations are reached, it is going to require timely approval of a host of environmental and land use permits to allow the \$45 to \$60 billion project to proceed. Any delays in federal permitting will add substantially to the project's costs. As Assistant Secretary will the Department be willing and able to allocate resources to have sufficient staff available to consider and process required permits in an expedited manner so that a pipeline can be built?

Answer. I recognize the importance of oil and gas resources to the State of Alaska. If confirmed, I plan to work with the Department's bureaus and partners to identify where the Department's budget and staff resources can most effectively be used to keep pace with demand for energy exploration and development.

*Question 10.* Your official biography from Latham & Watkins notes that you have "extensive experience" in a number of areas, including hydropower project licensing. Can you tell us about your experience in that area? Please describe your views on hydropower more generally.

Answer. I have worked extensively on issues related to operation of the Federal Columbia River Power System located in the Pacific Northwest. Additionally, I have worked on many Federal Energy Regulatory Commission (FERC) relicensing proceedings under Part I of the Federal Power Act, counseling both federal and private industry clients, including in proceedings before the FERC and in the federal courts of appeal. Hydropower is an important part of this Nation's energy mix.

*Question 11.* I understand that in your work as a partner at Latham & Watkins, one of your main roles was to help companies resolve difficulties or delays that arose when seeking project approval from various government agencies.

a. Would you agree that winning approval from the government for an energy project can be a laborious, difficult endeavor for private companies?

b. Based on your experiences in this area, have you identified any reforms that could make project development easier, or at least less cumbersome than it currently is?

Answer. I am aware that the Administration has put in place a number of important reforms to improve and help expedite the permitting process for infrastructure and energy projects generally. These include the Presidential Memorandum on Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures (2013), Executive Order 13604 (Improving Performance of Federal Permitting and Review of Infrastructure Projects) (2012), and the Presidential Memorandum on Speeding Infrastructure Development through More Efficient and Effective Permitting and Environmental Review (2011). These efforts created a Federal Infrastructure Permitting and Review Process Improvement Steering Committee, established the Federal Infrastructure Projects Dashboard, improved collaboration through information technology tools, and assisted in developing government-wide best practices.

If I am confirmed, I will prioritize additional permit process improvements to help make project development more efficient and more transparent, while ensuring that projects are developed in an environmentally responsible way. I agree that improving permit efficiencies across the board is very important for this Nation's economic and energy security.

*Question 12.* Please describe how you see the relationship between the State Department's international activities and the agencies that would fall under your domain at the Department of the Interior.

Answer. Because I am not currently part of the Administration, I cannot speak to the specific existing relationships between the international activities of the Department's bureaus and State Department. However, I am aware that there is collaboration with relevant agencies, such as the State Department, when, for example, development may take place in areas that implicate foreign policy interests. If confirmed, I look forward to learning more about the interactions between the Department and its bureaus and the State Department.

*Question 13.* Many of us noted, as you likely did, some trade press coverage of your nomination. One of the headlines was, "Industry sour on Obama pick for minerals post." The general concerns that were expressed seem to hint at a lack of relevant experience. If confirmed, you will be in charge of four agencies with a combined budget in excess of \$1.5 billion. Is there anything you'd like to say to set those of us on this Committee—and those who you will be regulating, if confirmed—at greater ease about your qualifications for the job?

Answer. I have over 20 years of experience working in natural resource, environmental, and American Indian law with the Department of the Interior and other federal and state agencies and American Indian tribes. For the past 12 years, I represented industry and the regulated community interfacing with the federal government, successfully and efficiently navigating the federal review process, securing large-scale energy and other infrastructure project approvals, and, when necessary, successfully defending those approvals in federal district and appellate courts.

I have broad-ranging, on-the-ground experience getting projects permitted across the West. Among other issues, I have personally worked on coal projects across the country; oil and gas projects, including in the Bakken formation; wind, solar and geothermal projects in West Virginia, Hawai'i, Washington, California and Nevada, respectively; liquified natural gas development in Louisiana; hardrock and leaseable mineral development in Oregon, Idaho and Minnesota, respectively; refinery issues in Alaska; hydropower projects across the Pacific Northwest and in California; and extensive high-voltage transmission and pipeline work on public and private lands. I understand the need for efficiency and predictability for both project developers and financial institutions, the need to work in an environmentally responsible manner, respecting state and tribal perspectives, and to balance conservation with energy needs.

I currently serve as the Local Department Chair for the Environment, Land and Resources Department at the law firm at which I am currently employed, as a Global Co-Chair of the Energy and Infrastructure Project Siting and Defense Practice, and on the firm's Knowledge Management Committee. I also served four years on the firm's Finance Committee. In addition to being topical, these positions have provided me with significant management experience.

*Question 14.* If you are confirmed as the Assistant Secretary for Lands and Minerals Management, you will be fortunate to have Tommy Beaudreau, who currently holds the job in an Acting capacity, still within the Department. Do you have any plans to coordinate with him on the issues you will face, particularly after he is con-

firmed to his new position as Assistant Secretary for Policy, Management, and Budget?

Answer. If confirmed, I intend to build on Mr. Beaudreau's leadership. I plan to work collaboratively and cooperatively with him on policy issues, including those in Alaska and the Arctic, if I am confirmed as the Assistant Secretary for Lands and Minerals Management.

*Question 15.* [on behalf of the OCS Governors Coalition]. One of the core missions of the OCS Governors Coalition is to promote a constructive dialogue with federal policy makers on decisions affecting offshore development. Unfortunately, over the past few years, the governors have been concerned with the lack of communication between state and federal officials, particularly in regard to the development of offshore leasing plans. Of note, President Obama canceled Lease Sale 220 off Virginia in December 2010 without sufficient consultation with the Commonwealth of Virginia. The bipartisan leadership in Virginia has clearly indicated multiple times that it supports a leasing program in the Atlantic, and Governor McDonnell has addressed the Administration's concerns about safety and spill containment infrastructure and coordination with military operations in the area.

Similarly, prior to release of the proposed Final Outer Continental Shelf Oil and Natural Gas Leasing Program for 2012-2017, the State of Alaska was not consulted on the Department of the Interior's decision to postpone lease sales off Alaska one year from the initial timeframe.

a. Understanding the multiple stakeholder conversations that go into planning a leasing program, can you discuss the legal and otherwise appropriate role for the input of state governments?

b. What actions would you take to ensure sufficient and ongoing input from the states?

Answer. As I indicated at my confirmation hearing, I believe that consultation and coordination with coastal states, including Alaska, is an important part of the OCS Five Year Program process. I understand that the statutory responsibility for coordinating and consulting with the state governments during development of a Five Year Program is described in the Outer Continental Shelf Lands Act. If confirmed, I look forward to having an active dialogue with coastal states regarding offshore oil and gas leasing and the OCS Five Year Program. I am committed to ensuring that the views of coastal states inform, along with other relevant factors, the decision-making process with respect to offshore oil and gas leasing.

*Question 16.* [on behalf of the OCS Governors Coalition]. A second priority for the OCS Governors Coalition is the pace of permitting for OCS oil and natural gas operators. Following the temporary deepwater-drilling moratorium in 2010, operators experienced significant delays in plan and permitting approval. Even though operators in the Gulf of Mexico are starting to return to pre-Macondo operation levels, several concerns with the inefficient and inconsistent regulatory regime for offshore operators remain. What measures can be taken by the Department of the Interior to ensure a more timely and consistent regulatory framework for all operators without sacrificing environmental safety?

Answer. I am committed to the President's all-of-the-above energy strategy to expand domestic energy production and reduce dependence on foreign sources of energy. I appreciate that the pace of permitting and the ability of companies to pursue development of their Outer Continental Shelf leases is important to you and your constituents. If confirmed, I will look forward to working with the Bureau of Safety and Environmental Enforcement and Director Salerno to ensure continued engagement with industry and all stakeholders to promote the safe and environmentally responsible development of our Nation's energy resources on the OCS, as well as to provide clarity and certainty for operators seeking to develop those resources. Let me also underscore my commitment to efficiency within the permitting process. It is my understanding that the processing time for permits has been reduced significantly, and I pledge to seek continual improvement in this important process.

*Question 17.* [on behalf of the OCS Governors Coalition]. In a previous meeting of the governors, we each agreed that revenue-sharing of royalties generated from offshore leasing and energy production should be shared equally with all coastal states that produce energy—either traditional or renewable—off their respective shores. These revenues are critical for funding state coastal restoration and conservation efforts as well as other state programs. While Texas, Louisiana, Mississippi and Alabama (all OCS Governor member states) benefit from revenue-sharing that is capped and can only be used for limited purposes, Alaska and states along the Atlantic coast are not eligible for revenue sharing. Do you believe there should be consistency on revenue sharing for all coastal states?

Answer. I know this is an issue that is important to you, and it is complex. I am aware that the Administration has outlined its position on this issue at a July 23, 2013 hearing before the Committee. If I am confirmed as Assistant Secretary I commit to working with the Committee, states, and other stakeholders to find what common ground may exist on this issue.

*Question 18.* [on behalf of the OCS Governors Coalition]. Virginia Governor McDonnell, North Carolina Governor McCrory, and South Carolina Governor Haley—all of whom are members of the Coalition—support the opening of the Atlantic for oil and natural gas exploration. The Bureau of Ocean Energy Management is working on a Programmatic Environmental Impact Statement (PEIS) for geological and geophysical activity in the Atlantic in order to allow seismic surveyors to uncover the true potential of the resources in that region. The PEIS review has already lasted nearly four years and the Coalition has continuing concerns that further delays could ultimately forestall Atlantic leasing. At the same time, we are pleased that Bureau of Ocean Energy Management (BOEM) Director Tommy Beaudreau recently acknowledged that the Interior Department can proceed with including Atlantic leasing in the next five year plan, even if new seismic data has not yet been collected. Can you please discuss your thoughts on including additional leasing opportunities in the Department's 2017-2022 leasing plan?

Answer. I believe that when developing the next Five Year Program, the Department should continue to strike an appropriate balance in promoting the responsible development of domestic offshore oil and gas resources. This includes thorough consideration of whether areas not currently available for leasing should be made available in the next Five Year Program.

*Question 19.* [on behalf of the OCS Governors Coalition]. A recent report released by the Woodrow Wilson International Center for Scholars recommends that lease terms in the Arctic OCS be lengthened to ensure that operators have sufficient time to recoup the large capital investment required to extract resources in this region. Currently, lease terms are 10 years in the Arctic. Greenland allows for 16 year extensions of leases and Canada permits companies to retain leases indefinitely if oil or gas is found within the initial nine year lease timeframe. The report suggests that a combination of the Greenland and Canadian lease frameworks would be appropriate in the American Arctic.

Could you please discuss your thoughts on the possibility of expanding the lease timeframe with respect to the Arctic OCS to ensure that operators are able to operate efficiently in a frontier region?

Answer. I believe that offshore leasing and lease terms should be tailored to the conditions and challenges of a particular region, including frontier areas such as the Alaskan Arctic. If confirmed, I will explore the appropriate leasing and lease terms that should apply in these areas.

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RESPONSES OF ELLEN D. WILLIAMS TO QUESTIONS FROM SENATOR MURKOWSKI (FOR SENATOR HATCH)

*Question 20.* On April 30, 2009 Senator Bob Bennett asked Secretary Salazar the following question:

“16. Do you agree that the Department's authority to establish new Wilderness Study Areas under Section 603 of FLPMA expired no later than October 21, 1993?”

Senator Bennett received the following answer on May 20, 2009:

“Answer: Yes. Section 603 of FLPMA required the Secretary to conduct a review of roadless areas of public lands of at least five thousand acres and report his recommendations about the suitability or unsuitability of each area for preservation as wilderness to the President, who in turn was to make recommendations to Congress. Areas deemed suitable for preservation as wilderness through that process are called Wilderness Study Areas (WSAs). Section 603 specified that the Secretary's review and recommendations were to occur within fifteen years of FLPMA's enactment in 1976. The President then had two years to advise Congress of his recommendations for areas to be designated as wilderness. This means that all of the requirements of Section 603 were to be completed seventeen years after FLPMA's enactment, or by October 21, 1993, at which time the authority expired. We do not expect our position on this question to change.”

Is this still your position?

Answer. I am not currently at the Department and therefore cannot speak on behalf of the Department. However, if confirmed, I commit to looking into this matter in more detail and would welcome the opportunity to discuss it with you.

*Question 21.* On April 30, 2009 Senator Bob Bennett asked Secretary Salazar the following question:

“17. Do you agree that the Department currently has no authority to establish new WSAs (post-603 WSAs) under any provision of federal law, such as the Wilderness Act or Section 202 of FLPMA?”

Senator Bennett received the following answer on May 20, 2009:

“Answer: Yes. Section 603 created a unique multi-step process that resulted in the establishment of WSAs and imposed certain management requirements on WSAs. No other provision of federal law creates a similar process or authorizes the creation of WSAs. Section 603 required the Secretary over a 15 year period to determine whether certain lands were suitable for preservation as wilderness and to report those findings to the President. The lands so reported are known as WSAs. The President was then required within two years to recommend to Congress which of these lands should be designated as wilderness. Pending action by Congress either designating the WSAs lands as wilderness or releasing them from their WSA status, the Secretary is required by section 603 to manage WSA lands so as not to impair their suitability for designation as wilderness.

It should be noted, however, that the fact the Department can no longer establish WSAs does not impair the BLM's ability to protect areas with wilderness characteristics through FLPMA's land use planning process under Section 202 of FLPMA. In their 2005 Settlement Agreement, both BLM and Utah acknowledged that BLM has the discretion under Section 202 to manage lands to protect their wilderness characteristics, consistent with the multiple-use and sustained yield standard in FLPMA. We do not expect our position on this question to change.”

Is this still your position?

Answer. I am not currently at the Department and therefore cannot speak on behalf of the Department. However, if confirmed, I commit to looking into this matter in more detail and would welcome the opportunity to discuss it with you.

*Question 22.* On April 30, 2009 Senator Bob Bennett asked Secretary Salazar the following question:

“18. Do you agree that the Department has not had the authority to create any new WSAs since the expiration of FLPMA Section 603 on October 21, 1993?”

Senator Bennett received the following answer on May 20, 2009:

“Answer: Yes. See answers to Questions 16 and 17.”

Is this still your position?

Answer. I am not currently at the Department and therefore cannot speak on behalf of the Department. However, if confirmed, I commit to looking into this matter in more detail and would welcome the opportunity to discuss it with you.

*Question 23.* On April 30, 2009 Senator Bob Bennett asked Secretary Salazar the following question:

“19. Do you agree with federal Judge Dee Benson that the settlement agreement between the state of Utah and the United States is consistent with FLPMA?”

Senator Bennett received the following answer on May 20, 2009:

“Answer: Yes. We believe that the settlement agreement and Judge Benson's opinion in *Utah v. Norton* are consistent with FLPMA. As Judge Benson concluded, the settlement agreement recognizes that the plain language of FLPMA provides for the establishment and management of WSAs exclusively under Section 603, which by its own terms expired no later than October 21, 1993. In addition, Judge Benson noted that under the settlement agreement, both BLM and Utah acknowledged that BLM's authority under section 202 of FLPMA remains intact and provides authority to use the land use planning process to protect areas with wilderness characteristics, consistent with the guiding multiple-use and sustained-yield policy of FLPMA. We do not expect our position on this question to change.”

Is this still your position?

Answer. I am not currently at the Department and therefore cannot speak on behalf of the Department. However, if confirmed, I commit to looking into this matter in more detail and would welcome the opportunity to discuss it with you.

*Question 24.* On April 30, 2009 Senator Bob Bennett asked Secretary Salazar the following question:

“20. Does the BLM have authority to apply the non-impairment standard, as enumerated in the Interim Management Plan for wilderness study areas, to lands that are not designated as WSAs under Section 603?”

Senator Bennett received the following answer on May 20, 2009:

“Answer. No. Because the Department’s authority to establish WSAs, which are required to be managed under the non-impairment standard, expired no later than October 21, 1993, the BLM does not have authority to apply the no-impairment standard to non-WSAs. However, as explained in the other answers, this does not prevent the BLM from managing non-WSAs with wilderness characteristics in a way that protects these characteristics. As Utah acknowledged in the 2005 Settlement Agreement, FLPMA Section 202 provides BLM with the discretion to manage lands to protect their wilderness characteristics.” We do not expect our position on this question to change.”

Is this still your position?

Answer. I am not currently at the Department and therefore cannot speak on behalf of the Department. However, if confirmed, I commit to looking into this matter in more detail and would welcome the opportunity to discuss it with you.

*Question 25.* On May 24, 2012, you published a Latham & Watkins Client Alert Commentary on BLM’s pending hydraulic fracturing rule. In the commentary, you discussed the impact that BLM’s hydraulic fracturing rule would have on Indian tribes. You discussed how BLM’s rule may put Indian lands at a competitive disadvantage with state and private lands. You wrote:

“Indeed, where reservations are ‘checkerboarded,’ oil and gas operators would be able . . . to move just a few feet away onto privately held or state lands where none of the new regulations would apply, potentially depriving tribes of critical sources of revenue.”

BLM’s rule will also put Federal public lands at a competitive disadvantage, and deprive public land states, like Wyoming, of critical sources of revenue.

If confirmed, you would oversee BLM. What steps would you take to ensure that BLM’s hydraulic fracturing rule will not put Federal public lands and Indian lands at a competitive disadvantage with state and private lands?

Answer. If confirmed, I will work with the BLM to make certain that it continues to take appropriate steps to ensure that hydraulic fracturing on federal and Indian lands is conducted in a manner that is safe, environmentally responsible, and economically viable for industry. In addition, I understand that the BLM is taking steps to improve the processing of applications for drilling permits through automation and other process improvements and I will work with states and tribes to eliminate redundancies and maximize flexibility where possible, and work to ensure that these steps will help federal and Indian lands remain attractive for oil and gas producers.

*Question 26.* The BLM has a multiple use mission as set forth in the Federal Land Policy and Management Act to manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting.

If confirmed, what actions would you take to ensure BLM meets this statutory multiple use mandate?

Answer. I strongly support the Federal Land Policy and Management Act’s multiple use mandate to sustainably manage the public lands through a combination of balanced and diverse resource uses for the benefit of present and future generations. I support the efforts of the Department of the Interior and the BLM to implement FLPMA and, if confirmed, I will apply my varied career experiences and work collaboratively with a variety of stakeholders and partners to ensure multiple-use and sustained yield management on the public lands.

*Question 27.* If confirmed, how would you strive to improve the relationship between the agency and stakeholders who hold grazing permits on public lands?

Answer. I am committed to bringing people together to find common ground and solutions to difficult issues. If confirmed, I will work with stakeholders, including ranchers that hold grazing permits, to ensure that public lands are managed for multiple uses and sustained yield, including livestock grazing, where appropriate.

*Question 28.* The Department of the Interior (DOI) is running out of options to deal with excessive wild horses on BLM land and feral horses in Indian Country. The long- and short-term holding facilities are full, fertility control is too extensive and ineffective, and horses are overgrazing riparian areas and destroying wildlife habitat.

What BLM administrative or policy changes do you believe would improve the implementation of the 1971 Wild Horse and Burro Act to reduce cost and improve compliance with Appropriate Management Levels in the west to avoid severe overgrazing?

*Answer.* I am aware that the Wild Horse and Burro program at the BLM poses unique and difficult challenges. I understand the BLM is continuing to develop and implement policy changes, consistent with the recommendations in a recently issued National Academy of Sciences report and input from the Wild Horses and Burros Advisory Board, and is working to find ways to make the program sustainable within the existing statutory framework. If confirmed, I would look forward to working with you to better understand the issues and complexities surrounding the program.

*Question 29.* What role do you believe state and local governments play in defining the appropriate multiple use and sustained yield standard within their jurisdictions?

*Answer.* I recognize the importance of engaging with state and local governments and value their input in the land use planning and National Environmental Policy Act processes, as it promotes more sustainable outcomes. FLPMA directs the BLM in developing land use plans to coordinate its inventory, planning, and management activities with its state and local government partners. If confirmed, I will work with the BLM Director to ensure that state, tribal, and local governments continue their important role in the Department's efforts to balance environmentally responsible development with appropriate conservation measures and recreation activities.

*Question 30.* In his State of the Union Address, President Obama said that his "administration will keep cutting red tape and speeding up new oil and gas permits." If confirmed, what would you do to speed up oil and gas permitting on Federal public lands?

Please address whether you would: (1) expedite the leasing process; (2) expand the use of categorical exclusions under the National Environmental Policy Act (NEPA); (3) eliminate the requirement for Master Leasing Plans; and (4) deploy "strike teams," such as those used in North Dakota, to reduce permitting backlogs.

*Answer.* If confirmed, I will ensure that the BLM continues its efforts to expedite its permitting processes. I understand that the BLM has made improvements in its review of drilling permits and is exploring ways to use technology to further improve the process. I also understand that by identifying and addressing possible land-use conflicts early in the leasing process, the BLM has seen a steady decline in the percentage of BLM lease parcels protested. If confirmed, I will support the BLM's work in this area, and will work to further improve permit efficiencies.

*Question 31.* Over the last few years, DOI has expedited environmental impact statements under NEPA for a number of large scale renewable energy projects on Federal public lands. If confirmed, what steps, if any, would you take to expedite environmental impact statements for large scale coal, oil and gas, and uranium projects on Federal public lands?

*Answer.* I both value and understand the necessity for providing certainty when it comes to managing our Nation's public lands. I support the BLM's ongoing efforts to ensure that environmental reviews are conducted in an efficient manner, while also adhering to important process requirements, including opportunities for public participation, that result in well-reasoned and sustainable resource management decisions. If confirmed, I will work within the parameters set by NEPA to address the need for domestic production of the energy resources needed to power our economy. In addition to involving cooperating agencies during this process, I will fully engage elected officials, industry, and all of the many and varied stakeholders of the public lands.

#### RESPONSES OF ELLEN D. WILLIAMS TO QUESTIONS FROM SENATOR LEE

*Question 32.* The President considers you qualified for this position due, at least in part, to your extensive previous experience at the Department of the Interior, which largely took place during the Clinton Administration. During the Clinton Administration, 21 national monuments were either created or expanded, including during the time you were at the department and serving as counselor to the Deputy Secretary. As you know, these designations were of great concern to western states and communities, including the manner in which they were created.

During your tenure at the Department of the Interior, did you attend or have involvement of any kind in any meetings or participate in discussions where the designation or management of any national monuments were considered or discussed? Did you review and/or approve or surname any documents or other materials of any kind pertaining to any designations or management of any national monuments? If so, please describe your role further, including any specific national monument designations in which you attended meetings or in which you participated in discussions.

Answer. During my tenure at the Department of the Interior, I was not involved in the decisions to designate or manage any of the 21 national monuments designated or expanded during the Clinton Administration. Similarly, during my tenure at the Department I did not review, approve, or surname any documents or other materials pertaining to any of the 21 national monuments designated or expanded during the Clinton Administration.

*Question 33.* Even if you were not personally involved in the designation of national monuments during the Clinton administration, you are of course aware of the controversial nature of some of those designations. Is it your opinion that the process of designating the Grand Staircase-Escalante National Monument was contrary to general principles of cooperation, openness, and transparency, principles to which Secretary Jewell and yourself have committed to as nominees before the Senate Energy and Natural Resources Committee?

Answer. I was not involved in the designation of the Grand Staircase-Escalante National Monument during the Clinton Administration. I believe that any decisions regarding the responsible use of the Antiquities Act by the President need to be fully informed by public engagement and local stakeholder outreach. I support President Obama's and Secretary Jewell's "bottom up" approach to any use of the Antiquities Act by the President and with the perspective that these decisions are best made with broad local support. I do not view this as an "either-or" proposition. If confirmed, I am also committed to working with Members of Congress to legislatively protect important areas.

#### RESPONSE OF ELLEN D. WILLIAMS TO QUESTION FROM SENATOR RISCH

*Question 34.* The U.S. Geological Survey continues to note that the United States is becoming increasingly reliant upon imports for key metals and minerals critical to US manufacturing and economic growth. The United States, with a 7-10 year timeframe, is now considered one of the worst nations in terms of the time it takes to obtain permits to mine. Do you believe the Department of the Interior should look at this situation and to make changes to make permitting more timely and efficient, especially for the Bureau of Land Management which is responsible for providing authorizations and permits for developing our vast mineral resources on federal lands?

Answer. As I mentioned at my confirmation hearing, I share the Committee's concerns regarding our dependence on foreign sources of critical minerals. I understand that mining supports many jobs and important products. I have worked on many mining projects, including the recent successful permitting of a new phosphate mine in southeastern Idaho on BLM lands, a project that was not challenged before the Interior Board of Land Appeals or in federal court. If confirmed, I will work to ensure that mining permits are processed in an efficient and environmentally responsible manner, consistent with legal requirements and best management practices.

#### RESPONSES OF ELLEN D. WILLIAMS TO QUESTIONS FROM SENATOR LANDRIEU

*Question 35.* What plans do you have to further streamline the process of offshore permitting, which while vastly improved compared to the period immediately following the moratorium, still lags behind where it should be?

Answer. I am committed to the President's all-of-the-above energy strategy to expand domestic energy production and reduce dependence on foreign sources of energy. I appreciate that the pace of permitting and the ability of companies to pursue development of their Outer Continental Shelf leases is important to you and your constituents. If confirmed, I will look forward to working with both the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement to ensure continued engagement with industry and all stakeholders to promote the safe and environmentally responsible development of our Nation's energy resources on the OCS, as well as to provide clarity and certainty for operators seeking to develop those resources. Let me also underscore my commitment to efficiency within the permitting process. It is my understanding that the processing time for permits has been reduced significantly, and I pledge to make this a priority and seek continual improvement in this important process.

*Question 36.* What is your opinion on the possibility of future lease sales in the Atlantic? Will you support states who express interest in hosting offshore production in holding these lease sales?

Answer. I believe that when developing the next Five Year Program, the Department should continue to strike an appropriate balance in promoting the responsible development of domestic offshore oil and gas resources. This includes thorough consideration of whether areas not currently available for leasing should be made available in the next Five Year Program. I am committed to ensuring that the views of coastal states, along with other relevant factors, inform the decision-making process with respect to offshore oil and gas leasing.

*Question 37.* Will you work with me and my staff to move forward with the issue of revenue sharing to coastal states, to ensure that these states remain able to support offshore oil and gas production?

Answer. If I am confirmed as Assistant Secretary I will commit to working with you, your staff, the Committee, states, and other stakeholders to find what common ground may exist on this issue.

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RESPONSE OF NEIL KORNZE TO QUESTION FROM SENATOR WYDEN

*Question 1.* In June the National Academy of Sciences released findings and recommendations on improving the BLM's Wild Horse and Burro Management Program. In response to the report, you replied, "[t]he BLM looks forward to reviewing the report in detail and building on the report's findings and recommendations. . . ." Can you please explain any steps the Agency has taken in light of the report, and outline a schedule for me of any changes the Agency may take going forward?

Answer. The BLM is currently evaluating the Wild Horse and Burro program in light of the recent National Academies of Sciences report and is adopting many of the recommendations outlined in the study. The BLM continues to make reforms to the Wild Horse and Burro program to ensure humane care, achieve financial sustainability, and promote ecological balance on the range. As part of the BLM's effort to limit population growth, the Bureau is working with the scientific and veterinary communities to develop longer-lasting population control tools. In 2014, the BLM intends to support several pilot efforts to develop and evaluate potential tools, including more effective immunocontraceptives. All pilot efforts supported by the BLM will be peer reviewed by a group of well-qualified scientists. In addition to facilitating the development of more effective population growth suppression tools, the BLM plans to implement improved population survey methods and to review its policy for establishing and adjusting Appropriate Management Levels. The BLM is also evaluating several options to reduce the numbers of animals in off-range holding facilities, including reforming the adoption program, partnering with new Federal, State, and non-profit partners to find good homes for animals, and exploring options for lower-cost off-range holding facilities. Each of these efforts will be grounded in the best available science and incorporate the input of interested stakeholders. If confirmed, I look forward to working with Congress to deal with the unique challenges posed by management of wild horses and burros on public rangelands.

RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR MURKOWSKI

*Question 2.* Are you familiar with the "No More" clause contained in the Alaska National Interest Lands Conservation Act (ANILCA)? ANILCA transferred 124 million acres of lands in Alaska—a size almost equal to the entire east coast—into federally protected acreage like parks, refuges, monuments and wild and scenic rivers. In enacting ANILCA, Congress found that the law "provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on public lands in Alaska. and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby." Additionally, Section 1326 of ANILCA specifies that there can be no "future executive branch action which withdraws more than 5,000 acres in the aggregate of public lands in the State of Alaska."

a. How do you interpret ANILCA's "No More" clause?

Answer. I understand that ANILCA's section 1326 prohibits the Secretary of the Interior from studying federal lands in Alaska for the single purpose of considering the establishment of a new conservation system unit or for related or similar purposes, and that it requires Congressional approval of a joint resolution for any withdrawal exceeding 5000 acres.

b. Given ANILCA's "No More" clause, what authority did the Administration use to reclassify nearly 13 million acres in the National Petroleum Reserve—Alaska (NPRA) as "Special Areas," thereby preventing further energy development?

Answer. Special Areas are authorized by section 104(b) of the Naval Petroleum Reserves Production Act, which requires the BLM, consistent with providing for exploration of the NPRA, to assure maximum protection of the surface values of areas having significant subsistence, recreational, fish and wildlife or historical or scenic value. The BLM's regulations call these areas "Special Areas." The Special Areas expanded and designated by the NPRA Integrated Activity Plan, finalized in February 2013, are consistent with this direction. I understand that ANILCA section 1326 is not implicated here because Special Areas are not "conservation system units" and have not been withdrawn.

c. I understand the Administration is also about to unveil a new land management plan for the 19 million acre Arctic National Wildlife Refuge that may seek additional wilderness designation beyond the 8.5 million acres already designated as wilderness. How does this move square with ANILCA's "No More" clause?

Answer. I have not been involved in the Fish and Wildlife Service's planning effort.

d. If confirmed as BLM Director, you will be responsible for 87 million acres of public land just in Alaska alone. How will you balance Alaska's need for economic development with the Department's conservation efforts?

Answer. Both the Department of the Interior and the BLM are committed to balancing the nation's need for economic development with the Department's conservation efforts. If confirmed, I will continue to work with you and interested stakeholders to find the appropriate balance between development and conservation. The BLM's plan for the National Petroleum Reserve—Alaska (NPRA), which covers nearly 23 million acres of Alaska's North Slope, provides a useful recent illustration. The plan authorizes access to nearly three-quarters of the area's estimated oil resources while also protecting world-class caribou herds, migratory bird habitat, uplands, and sensitive coastal resources that are central to the subsistence culture of Alaska Natives. This approach was developed through broad collaboration. If confirmed, I will ensure that the BLM continues to strike an appropriate balance among the many potential uses of our nation's public lands and resources.

*Question 3.* The federal government's conveyance program of land owed to Alaska and Alaska Natives is mandated under the over 42-year-old Alaska Native Claims Settlement Act (ANCSA). The BLM has repeatedly proposed to cut the funding and personnel for the Alaska Conveyance Program and perhaps more egregiously, BLM proposes to take the State of Alaska's 50-percent share of revenue from oil and natural gas activity in the NPR-A to pay for the land conveyance program and the Legacy Well Cleanup. I believe BLM should fund conveyance and surveying closer to the \$29 million that BLM provided in FY 12—without making Alaska foot the bill. The Alaska Land Conveyance Program is very important both to the State of Alaska and to the Alaska Native Corporations who are eagerly awaiting their long promised lands to which they are entitled.

a. If confirmed, can you commit to me that you will ensure that the Alaska Land Conveyance Program receives the necessary funding to complete the conveyances as expeditiously as possible?

b. Do you believe that it is proper for the BLM to reduce the funding of a legislatively mandated program, and one which it is 40 years delinquent on fulfilling, while spending funds on non-legislatively mandated programs, like climate change monitoring and adaptation?

Answer. I am aware of the importance of completing the Alaska Conveyance work and of the BLM's obligations under the Alaska Native Claims Settlement Act and Alaska Statehood Act. The BLM recently developed an innovative approach to surveying that will substantially reduce costs, increase the speed of surveys, and provide a high-quality product. I fully support efforts to complete this work more quickly and to find ways to do so within the constrained budget environment. If confirmed, I will work closely with my colleagues in the Department to develop balanced funding recommendations for the Secretary's consideration and presentation to the President.

*Question 4.* As you may know, the formation of the Lake Clark National Park in Alaska during the Carter Administration forced Cook Inlet Region Inc. and its vil-

lages to forfeit certain of their original highest priority land selections within lands that became the Park—lands which were promised to them under the Alaska Native Claims Settlement Act (ANCSA). For the past 30 years, the Department of the Interior has been on notice that Cook Inlet Region's ANCSA entitlement would be under conveyed even after the completion of the 12(a) and 12(b) transfers to the CIRI villages. While the villages have now received title to their respective 12(a) and 12(b) lands, approximately 43,000 acres of ANCSA entitlement lands are still due to the Cook Inlet Region. On October 22, 2013, the Alaskan delegation sent a letter to Secretary Jewell inquiring as to what federal lands in Alaska could satisfy CIRI's ANCSA land entitlement and who in the Department should CIRI and the delegation work with to expedite a conclusion of CIRI's land selection process.

a. When will we receive a response to our delegation letter?

b. Can I get your assurances that you will work with me, the delegation and CIRI to remedy the current shortfall in CIRI's entitlement in an expeditious fashion?

Answer. I understand a response to the delegation's letter is being finalized and will be delivered shortly. Because of land ownership patterns in the Cook Inlet area, prior legislation specific to CIRI's land selections, previous memoranda of understanding between CIRI and the Department, and other issues, conveyance of lands to fulfill CIRI's land entitlement is unique and complex. I am fully committed to seeking the conveyance of CIRI's full entitlement in the most expeditious manner, and will be working closely with you, the delegation, and CIRI toward that end.

*Question 5.* The federal government both directly and under contract drilled some 136 oil and gas and exploratory wells in the National Petroleum Reserve-Alaska in the 1940s and again in the early 1980s. Many of those wells have not been properly capped and were instead abandoned. The State of Alaska has been seeking for years for Interior to do a better job of cleaning up its messes, just as the government would fine private developers who had not properly secured exploratory wells. Earlier this year the Administration proposed to use Alaska's share of mineral leasing revenues to pay to remedy the federal messes—something I found totally unacceptable and unjust.

a. While we approved \$50 million in the recent helium legislation that may fund 16 more well cleanups over the next five years, do you believe it is the federal government's responsibility to clean up all remaining wells at its own expense—not Alaska's—in the future.

Answer. I believe the Federal Government has a responsibility to remediate and clean-up the legacy NPRA wells, and the Department of the Interior and the BLM are committed to that effort. If confirmed, I will work with you and the Committee to ensure that BLM has the resources necessary to continue the progress we have made in this area and to complete this important effort. The BLM greatly appreciates the recent inclusion of funding in the Helium Stewardship Act that will allow the agency to significantly accelerate legacy well clean-up.

b. With the \$50 million in funding for well remediation and clean-up in the Helium Stewardship Act, can you please provide me an update on the status of the planning for well cleanup in 2014?

Answer. Using the priorities established in the 2013 Legacy Wells Strategic Plan published on our website ([http://www.blm.gov/ak/st/en/prog/energy/oil\\_gas/npra/legacywell.html](http://www.blm.gov/ak/st/en/prog/energy/oil_gas/npra/legacywell.html)), the BLM is currently finalizing a spending plan addressing the sequence of work to be completed on the Alaska legacy wells with funding from the Helium Stewardship Act. The BLM is using existing agreements to move quickly on priority work while also preparing new agreements to execute work for 2014 and beyond.

c. When will you be able to share with me a written cleanup plan for 2014? Which wells will be remediated?

Answer. In 2014, the BLM will complete work on the Umiat #3 well and complete surface clean-up on three wells on the Simpson Peninsula (Simpson Core Test #26, Simpson Core Test #30, and Simpson Core Test #30A). Planning continues for work in 2015 and beyond. The BLM will be happy to share with you and your staff the spending plan for 2014 once it is finalized and to discuss any other aspect of the Alaska legacy well cleanup effort that may be of interest.

d. If confirmed, will you make funding for well remediation in the NPRA a priority for the BLM?

Answer. If confirmed, I look forward to continuing working with you and other Members of Congress to ensure that the BLM has the resources necessary to complete this important effort. We greatly appreciate the recent inclusion of funding in the Helium Stewardship Act that will allow the BLM to accelerate progress on Alaska legacy well cleanup.

*Question 6.* As you know, the State of Alaska has long sought the conveyance of about 50,000 acres along the Susitna River in Southcentral Alaska under its 1959 Statehood Act land entitlement. This acreage is now needed for a future reservoir. For the record, do you have a firm timeline for when the state will receive title to those lands?

Answer. The BLM shares your interest in resolving the State's request. During this past summer, the BLM met with the Alaska Energy Authority on a regular basis to better understand the details of the request. In addition, regular contact between the Department of the Interior Regional Solicitor's Office and its counterpart at the Alaska Energy Authority has helped to keep lines of communication open. If confirmed, I will continue to work closely with you and the State on this issue.

*Question 7.* The Federal Government participated in armed field visits during August 22-27, 2013 near the community of Chicken, Alaska. I have conveyed my frustration and the frustration of Alaskans at the manner in which these raids were undertaken, which have come to symbolize continued Federal Government overreach in Alaska. Will you commit to working with me to ensure an overzealous law enforcement approach does not occur again?

Answer. If confirmed, I will make every effort to ensure that BLM enforcement actions are done in a professional manner and in full compliance with all applicable laws.

*Question 8.* On September 19, 2013 the Energy Committee held the first subsistence oversight hearing since the creation of ANILCA and the Alaska Native Claims Settlement Act (ANCSA). One area where everyone can agree is that the dual management framework in Alaska is not working for our rural residents. We are taking a hard look at the current structure of the Federal Subsistence Board, of which the BLM is a member. We would like to add additional subsistence users to the Board, in order to have an equal split between Alaska users and the FSB which makes the decisions that impact their livelihood. Additionally, we would like to reform the Rural Determination Process, which currently reconsiders the rural status of Alaska's communities every decade, leaving many Alaskans constantly worrying about their rural preference or lack thereof. Will you commit to working on this pressing reform effort?

Answer. If confirmed, I look forward to working with you on this effort. In Alaska, the Department of the Interior has a special responsibility to ensure that fish and wildlife resources are available now and in the future for rural Alaskans who rely on subsistence harvest. I understand that the management of subsistence harvests of natural resources is complicated. A number of laws provide many mandates related to management; multiple entities, including the BLM, have subsistence management responsibilities; and many different subsistence users are affected by management of harvest. Opportunities to streamline, clarify, and simplify these efforts should be pursued.

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RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR MURKOWSKI (FOR SENATOR HATCH)

*Question 9.* The Red Cliffs Desert Reserve in Washington County, Utah was established in February of 1996 with the issuance of the Washington County Utah Habitat Conservation Plan and its permit. Under the terms of the permit and its implementation agreement, the Bureau of Land Management assumed the commitment to acquire all private land in that Reserve through exchange or direct purchase from willing sellers of property within the Reserve.

During the development of the HCP, the BLM and the United States Fish and Wildlife Service (USFWS) prioritized those parcels that would be essential for the 'core' of the Reserve because that 'core zone' constituted the most biologically significant habitat for recovery of the tortoise.

Currently, the BLM with Washington County and the USFWS are preparing for the renewal of the HCP permit which expires in February of 2016. Please provide a full accounting of whether the priority "core zone" has been acquired and if not, a full explanation as to why the BLM's obligation under the agreement has not been met. Also, please provide a full accounting of all acquisitions of private lands within the Red Cliffs Reserve and the priority of those lands under the USFWS criteria

for conservation of the desert tortoise. Also, has the BLM completed its Reserve Management Plan as mandated by Congress within three years of the creation of the Red Cliffs NCA in 2009? Will this plan contain a strategy for acquiring priority lands within the Reserve?

Answer. The BLM remains strongly committed to completing acquisition from willing sellers of the remaining approximately 1,200 acres of private lands within the Red Cliffs Desert Reserve in Washington County. The BLM is taking a three-prong approach to complete these acquisitions in Utah, including purchases with appropriated monies from the Land and Water Conservation Fund (LWCF), land exchanges consistent with FLPMA, and the use of land sale revenues provided for under section 1978 of Public Law 111-11.

I understand that the BLM in Utah believes the "core zone" you reference is equivalent to Zone 3 from the 1996 EIS Incidental Permit. To date, the BLM has acquired nearly 6,400 acres of inholdings, the majority of which have been within Zone 3. Nearly \$18.7 million of LWCF appropriated funds have been spent to date on these acquisitions.

I also understand that the single largest tract of private property in the Reserve was tied up in bankruptcy proceedings from June 2004 to October 2010. Since resolution of judicial proceedings, the BLM has worked to acquire remaining lands as funds become available.

Section 1974 of Public Law 111-11 requires the BLM to develop a comprehensive management plan for the Red Cliffs National Conservation Area (NCA) designated by that law. Public scoping meetings were held in 2010, followed by public input and a report in 2011. The BLM expects to release a draft plan for full public review and comment in mid-2014. The plan will not specifically address private property within the external boundary of the NCA because the scope of the plan is limited to lands managed by the Federal government.

If confirmed, I will continue to direct the BLM in Utah to continue to work diligently and collaboratively to complete these acquisitions and the management plan.

*Question 10.* As a state bound by 63% federal lands, economic development surrounding public lands requires close coordination between the BLM and private enterprise. In the past 3 years, the permitting process for right of way across public lands has been greatly delayed with excessive Environmental Analysis required. Public comment periods have been ordered, "just to be safe", rather than as required by regulations. Furthermore, cultural resource inventories have been ordered on right of way parcels affecting less than 1/8 of mile of BLM land. How will you work with state field and district managers to effect an equitable environmental assessment within existing regulations and discourage the ordering of long EA and EIS as a matter of course, rather than evaluating each situation?

Answer. Prior to approving any action on public lands the BLM must comply with the National Environmental Policy Act and its implementing regulations. If confirmed, I will work with the BLM planning team to ensure that the appropriate level of analysis is completed efficiently and with appropriate public involvement.

#### RESPONSE OF NEIL KORNZE TO QUESTION FROM SENATOR STABENOW

*Question 11.* As the Chair of the Agriculture Committee, I work closely with the Department of Agriculture's Natural Resource Conservation Service (NRCS) and the outstanding work they do with private landowners. Through conservation planning and assistance programs, the NRCS helps landowners and agricultural producers increase the productivity of the land while improving the health of the soil, water, air, plants and animals. NRCS has done tremendous work in the past few years, particularly on creative, outside-the-box, solutions to our nation's pressing natural resource issues.

NRCS and BLM have an existing interagency agreement to address habitat issues related to the sage-grouse. As we know, conservation issues aren't limited to just public lands or private lands. If we are really going to tackle big issues, we need to coordinate across the agencies to set mutually agreeable priorities, share expertise and talent, and effectively collaborate.

If confirmed, will you pledge to work collaboratively with Chief Weller at NRCS? Can you please describe how your past experiences and future plans for the BLM will foster better communication and partnership between the two agencies?

Answer. If confirmed, I will continue to work collaboratively with Chief Weller at NRCS. The BLM values its working relationship with the NRCS. For example, the BLM continues to collaborate nationally with NRCS on the Landscape Monitoring Framework where a subset of the NRCS National Resources Inventory data is collected on public lands. This data collection helps the BLM to better understand resource conditions and trends in priority habitat for Greater Sage-Grouse, as well as

across all western rangelands. The BLM and the NRCS are also working cooperatively to develop new plant materials needed to restore native forbs and grasses in degraded sage-grouse habitats. The BLM looks forward to continuing a cooperative working relationship with NRCS to complete Ecological Site Descriptions for public lands. The BLM is also proud to be a partner in the Sage Grouse Initiative (SGI) that NRCS is leading. If confirmed, I will ensure a continued high level of communication and coordination with NRCS at all levels of the Bureau.

#### RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR FLAKE

*Question 12.* If Congress does not act by January 14, 2014, the BLM stands to lose a critical land-management tool, stewardship contracting authority. With that authority the BLM can enter agreements that, among other things, allow for the reduction of hazardous fuels thereby helping to prevent or mitigate the damage from catastrophic wildfires. Do you support reauthorization of this authority?

Answer. I support the reauthorization of this authority and I know the Department has testified in support of stewardship contracting authority on several occasions. Stewardship contracting authority allows the BLM to award and enter into contracts to accomplish important forest health and restoration treatments, including hazardous fuels reductions, and to use the value of timber or other forest products removed as an offset against the cost of services received.

*Question 13.* Do you support improvements to stewardship authority, such as cancellation ceiling flexibility that would allow the BLM to treat larger areas of land, including the type of landscape-level treatments that are proven to more effectively reduce wildfire risks?

Answer. If stewardship contracting authority is reauthorized, the BLM's future strategy for these projects would include increasing their scope and duration. I support the use of stewardship contracting authority to treat both small and large areas of land. If confirmed, I look forward to working with you to accomplish this shared goal, as well as our shared goal of reducing wildland fire risks.

*Question 14.* Do you support S. 1300, which would reauthorize and improve stewardship contracting authority for the BLM and the Forest Service?

Answer. I support the reauthorization of stewardship contracting authority for the BLM. I appreciate the work you and your staff have done to address concerns raised in the BLM's testimony on S. 1300. If confirmed, I look forward to working with you on this issue.

*Question 15.* I have heard from some counties and municipalities trying to work with the BLM to authorize third-party concessionaires to operate on Recreation and Public Purposes Act parcels. It is my understanding that the Solicitor's Office continues to evaluate this issue in its review of the August 2011 Instructional Memorandum for Third Party Uses on Recreation and Public Purposes Act Patents and Leases (2011-162). When does the Solicitor's Office expect to make a decision about the ability for lease and patent holders to enter into agreements with third-party concessionaires to operate on Recreation and Public Purposes Act lands?

Answer. Lands leased or patented to local governments under the Recreation and Public Purposes Act, carry with them a number of restrictions on commercial uses. It is my understanding that the BLM in Arizona is pursuing a number of possible options with Maricopa County and other Arizona local governments to address these proposed uses. Among the solutions being discussed are commercial leasing and the purchase of reversionary interests of existing R&PP conveyances by these local governments. Additionally, the BLM is currently revising its Recreation Permit and Fee Administration Handbook which will provide general guidance on recreational commercial leases on BLM-managed lands.

*Question 16.* I understand the City of Tucson and the BLM are continuing discussions regarding the transfer of title for Udall Park to the City of Tucson. I further understand this transfer would be intended to fulfill a land exchange with BLM that originally commenced in the 1980s, where the City conveyed title to a parcel known as the Freeman Road property to the BLM. Can you provide an update on the status of those discussions, including whether the issue can be resolved administratively?

Answer. The BLM has been in discussions with the City of Tucson regarding the Udall Park issue. When Udall Park was transferred to the City of Tucson in 1989, the land was transferred under a Recreation & Public Purposes Act (R&PP) patent that included a reversionary clause prohibiting certain commercial uses of the property. The BLM in Arizona is in discussions with the City regarding the possible conveyance of that reversionary interest thus enabling the City to allow commercial uses such as the installation of a cellular tower. The BLM has the authority to sell reversionary interests at fair market value in accordance with uniform appraisal

standards. The value of that interest for the parcel in question is not yet known. If confirmed, I will ensure that the BLM continues to explore possible administrative solutions with the City of Tucson.

*Question 17.* Maricopa County has been actively trying to work with the BLM to renew its lease for the San Tan Mountain Regional Park. Can you provide an update on the status of the BLM's efforts to confirm the County's interim authority to operate the park, as well as BLM's efforts to process the County's Recreation and Public Purposes Act patent application?

Answer. The BLM is engaged in discussions with the Maricopa County Parks and Recreation Department to allow the County to continue operating the San Tan Mountain Regional Park, which includes public lands managed by the BLM. When the Cooperative Recreation Management Agreement with the County expired in September 2013, the BLM and the County entered into a "contribution of services" agreement. This agreement authorizes the Parks and Recreation Department to manage the Park in accordance with the BLM-approved park plan while the BLM processes the County's lease and patent application pursuant to the Recreation and Public Purposes Act. The BLM is working cooperatively with the County to complete this process as quickly as possible. If confirmed, I look forward to working with Maricopa County to ensure that it may continue to operate the increasingly popular San Tan Mountain Regional Park.

#### RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR BARRASSO

*Question 18.* In your questionnaire to the Committee, you state that you held the following positions in the Office of U.S. Senator Harry Reid between December 2004 and January 2011: Legislative Correspondent, Legislative Aide, Legislative Assistant, Director of Nevada Operations, and Senior Policy Advisor. Please provide the month(s) and year(s) you served in each of the listed positions.

Answer. My positions in the Office of U.S. Senator Harry Reid were as follows. I worked on public land and natural resource issues in each of these roles.

Legislative Correspondent	January 2003—September 2003
Legislative Aide	October 2003—May 2005
Legislative Assistant	June 2005—March 2006
Director of Nevada Operations	April 2006—March 2008
Senior Policy Advisor	April 2008—January 2011

*Question 19.* On January 14, 2013, Edward Shepard, President of the Public Land Foundation (PLF) wrote a letter to Secretary Salazar, encouraging him to nominate "a career professional natural resource manager" as the next BLM Director.

The PLF is a national non-profit organization which advocates and works for the professional management of the nation's public lands. The PLF's members are predominantly retired employees of BLM.

Mr. Shepard's January 14th letter cited section 301(a) of the Federal Land Policy and Management Act (FLPMA) which states that: "[t]he Director of the Bureau shall have a broad background and substantial experience in public land and natural resource management." Mr. Shepard also stated that "BLM has several current and retired professionals that would serve well in the director position and have demonstrated their competencies as Federal executives."

However, on November 21, 2013, Mr. Shepard wrote a letter to members of the Committee urging your "expedited confirmation."

A. Did you contact the PLF between January 14, 2013 and November 21, 2013? If so, when did you contact the PLF and what was the nature of your exchange with the PLF?

B. Do you know or are you otherwise aware of any person contacting the PLF on behalf or in support of you between January 14, 2013 and November 21, 2013? If so, who contacted the PLF and when did that person or persons contact the PLF?

Answer. In my role as Principal Deputy Director of the BLM, I meet regularly with outside groups, including the Public Lands Foundation, to gather input on issues important to the management of public lands. As you note, the Public Lands Foundation is an organization comprised primarily of retired BLM professionals. I am honored by the organization's support for my nomination. I did not, however, request its support. Similarly, I am not aware of anyone having contacted the Public Lands Foundation on my behalf.

*Question 20.* You testified before the Committee that: “we have somewhere around 33 states where there are oil and gas revenues being produced on public lands, but just over half of those states have stepped forward to establish some sort of baseline regulation when it comes to hydraulic fracturing.”

Please provide a list of all states that have not established “baseline regulation” for hydraulic fracturing. For each of the states that have not established baseline regulation for hydraulic fracturing, please list: (a) the total amount of oil and gas produced on public lands for each of the last five years; and (b) of these amounts how much oil and gas was produced using hydraulic fracturing for each of the last five years.

*Answer.* The BLM does not currently monitor hydraulic fracturing and therefore cannot estimate how much oil and gas was produced using that method. State regulation of hydraulic fracturing is changing rapidly, and regulatory provisions vary between states. The BLM revised proposed rule on hydraulic fracturing will establish baseline environmental safeguards for hydraulic fracturing operations across all public and Indian lands, while providing flexibility to oil and gas operators in situations where a state’s regulation meets or exceeds the BLM standards.

*Question 21.* BLM proposes air quality management goals, objectives, and actions in several proposed Resource Management Plans (RMPs). The State of Wyoming, with oversight from the Environmental Protection Agency (EPA), has primacy over air quality issues in Wyoming. What authority is BLM relying on to develop its own air quality management goals, objectives, and actions?

*Answer.* The BLM acknowledges and respects the role of the states that have primacy for Clean Air Act compliance. The BLM is required to comply with the Clean Air Act and the National Environmental Policy Act for actions or authorizations on public lands. In addition, pursuant to the Federal Land Policy and Management Act, the BLM has responsibility for land use planning and is required, among other things, “to weigh long-term benefits to the public and short-term benefits” and “provide for compliance with applicable pollution control laws, including state and federal air, water, noise, or other pollution standards or implementation plans.” FLPMA also states that it is the policy of the United States that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values,” among others.

*Question 22.* I understand that several RMPs under revision in Wyoming propose air resource management plans that are inconsistent with the Memorandum of Understanding (MOU) that the Department of the Interior (DOI) signed with EPA and the Department of Agriculture in 2011. Why is BLM not following the existing MOU and instead establishing new air resource management plans?

*Answer.* The 2011 National Air Quality MOU outlined steps to analyze and mitigate the potential impacts to air resources associated with oil and gas decisions on Federal lands. The BLM in Wyoming worked closely with the MOU signatories to develop the Air Resource Management Plans included in the Resource Management Plans (RMPs) under revision, which address how the BLM in Wyoming will manage air resource impacts from development. In addition to the MOU signatories, the BLM ensured that the Wyoming Department of Environmental Quality and the Governor’s office were involved in the development of the Air Resource Management Plans. The RMPs are not yet final. The public review process will be completed according to the timetable for each plan, with completion dates ranging from early 2014 to mid 2016. If confirmed, I will continue to ensure that the BLM undertakes appropriate and collaborative resource management planning.

*Question 23.* BLM proposes timing restrictions, required design features, and access restrictions that will impact valid existing oil and gas leases. How does BLM plan to protect existing lease rights in accordance with the BLM Land Use Planning Handbook?

*Answer.* The BLM’s land use plan decisions are subject to valid existing rights. If confirmed, I will ensure that valid existing rights are protected pursuant to the requirements of the Federal Land Policy and Management Act.

*Question 24.* BLM proposes making large areas of land unavailable to oil and gas leasing in many of its RMPs currently under revision.

However, FLPMA requires the Secretary of the Interior to comply with special procedures before making a management decision that removes a principal or major use, such as oil and gas leasing. For example, section 204 requires the Secretary to notify Congress and provide it with specific information about a withdrawal.

I understand that DOI, to date, has not complied with section 204 of FLPMA or BLM’s implementing regulations in 43 C.F.R. part 2300. Why is BLM removing a principal use or public lands without following the procedures required by law?

Answer. Land use decisions regarding the availability of public lands for oil and gas leasing are completed through the planning process, which involves an open and public dialogue. A BLM decision through the planning process to close an area to oil and gas leasing is not a withdrawal and therefore is not subject to the requirements outlined in Section 204 of the Federal Land Policy and Management Act (FLPMA).

I am aware that FLPMA Section 204(c) requires the Secretary of the Interior to notify Congress of Section 204 withdrawals of over 5,000 acres. The Department of the Interior complies with this notification requirement whenever a Section 204 withdrawal of over 5,000 acres is made. If confirmed, I will ensure that the BLM continues to fulfill its responsibilities for Congressional notification pursuant to FLPMA for such withdrawals.

*Question 25.* The State of Wyoming, local governments, and many stakeholders have spent considerable resources developing and implementing greater sage grouse management strategies to protect the species.

DOI has endorsed Wyoming's efforts. For example, in response to the Wyoming Governor's renewal of a state executive order establishing a sage grouse "core areas" conservation plan, the Fish and Wildlife Service (FWS) stated:

"The Service believes the Executive Order can result in the long term conservation of the greater sage grouse, and thus reduce the need to list the species under the Endangered Species Act."

However, BLM does not seem to agree with FWS. Through its RMP revisions, BLM is imposing management policies that are inconsistent with the strategy implemented by Wyoming.

a. Prior to proposing its management policies for greater sage grouse in Wyoming, did BLM conduct a review to determine whether these policies were consistent with the Wyoming sage grouse plan.

Answer. Yes. In support of the State's strategy, on December 29, 2009, the BLM Wyoming issued the Greater Sage-Grouse Conservation Policy Instruction Memorandum (IM), WY IM 2010-012. This IM recognizes the State's "core areas" for population management focus and represents the BLM's substantial effort to actively manage those habitats on public lands in support of the population management objectives, as set by the State of Wyoming and the Wyoming Game and Fish Department.

b. Do you agree with the assessment from FWS on the Wyoming sage grouse plan?

Answer. The BLM concurs with the Fish and Wildlife Service's assessment that Wyoming's plan can result in long-term conservation of the Greater Sage-Grouse.

c. If confirmed, would you direct BLM to incorporate Wyoming's sage grouse plan into BLM planning processes without further restrictions on top of those that exist within the Wyoming sage grouse plan.

Answer. The BLM has incorporated Wyoming's sage grouse plan into alternatives in each of the four National Environmental Policy Act documents that the BLM is preparing in Wyoming as part of the National Greater Sage-Grouse planning effort being undertaken with the U.S. Forest Service, States and other key partners. The final planning decisions will be made after consideration of input from the public.

*Question 26.* For more than a year, BLM has been engaged in a systematic review of its management practices for conservation of the greater sage grouse in western states. In some states, the new conditions being considered would dramatically shrink the availability of multiple use on and access to public lands.

a. What process did BLM use to determine the scientists on which the agency would rely.

Answer. The BLM planning team for the Greater Sage-Grouse Planning effort is comprised of a wide range of natural resource specialists and scientists. As part of its Greater Sage-Grouse Planning Strategy, the BLM utilizes the best available science drawn from experts both inside and outside the government. The planning effort is analyzing a wide range of factors impacting Greater Sage-Grouse conservation as identified in the National Technical Team (NTT) report, the Fish and Wildlife Service's Conservation Objectives Team (COT) report, and the U.S. Geological Survey's Baseline Environmental Report (BER). Each of these reports was peer reviewed and based on the latest scientific studies. The BLM also relies heavily on partnerships with experts from state fish and wildlife agencies, particularly through the Western Association of Fish and Wildlife Agencies (WAFWA). Through the na-

tional planning effort, the BLM utilizes the best available science alongside input from state fish and wildlife agencies to ensure land managers and biologists tailor land use decisions to local ecological conditions.

b. What peer review process does BLM follow for its sage grouse management practices?

Answer. The development of the National Technical Team (NTT) report followed the U.S. Department of the Interior's Data Quality Guidelines, and sought a peer review commissioned through the Western Association of Fish and Wildlife Agencies (WAFWA).

In the planning process currently underway, the BLM will consider the NTT report, the COT report, the BER report, and other best available science before making final planning decisions.

*Question 27.* BLM currently has an excess of wild horses both in long-and short-term holding facilities as well as on BLM lands.

a. If no changes are made to BLM policy and no legislative action is taken, what are the long-term implications both financially for BLM and ecologically for BLM lands?

Answer. The rapid rate of on-range population growth requires the BLM to develop innovative long-term solutions that ensure Appropriate Management Levels are maintained, while limiting the number of animals placed in holding facilities. I remain committed to implementing reforms that draw from a recent National Academy of Sciences report, and, if confirmed, will continue to work with Congress and interested stakeholders to put the Wild Horse and Burro program on sound financial and ecological footing for the long term.

b. BLM is currently violating the law by failing to maintain Appropriate Management Levels. What is BLM's plan for population control?

Answer. The BLM continues to make reforms to the Wild Horse and Burro program to ensure humane care, achieve financial sustainability, and promote ecological balance on the range. As part of the BLM's effort to limit population growth, the Bureau is working with the scientific and veterinary communities to develop longer-lasting population control tools. In 2014, the BLM intends to support several pilot efforts to develop and evaluate potential tools, including more effective immunocontraceptives. All pilot efforts supported by the BLM will be peer reviewed by a group of well-qualified scientists. If confirmed, I look forward to working with Congress to deal with the unique challenges posed by the management of wild horses and burros on public rangelands.

c. If confirmed, would you direct BLM to use sale authority if the appropriation rider language was removed?

Answer. It is the policy of the BLM not to sell wild horses or burros without limitation. I am committed to improving the Wild Horse and Burro program, and if confirmed, will continue to expand partnerships and support innovative ideas that help the BLM place animals in well-qualified homes.

*Question 28.* I understand that BLM provides grants and similar sources of Federal funding to entities outside the Federal government. I find this troubling given recent budget constraints within DOI and BLM.

Please provide the Committee with a detailed accounting of all grants and similar sources of Federal funding that BLM made to outside entities between October 2011 and the present. Please provide the name of the recipient, the total amount awarded, and under what authority BLM provided the funding.

Answer. Both the Department of the Interior and the BLM are committed to using appropriated funds judiciously and in a way that maximizes on-the-ground benefit. The Challenge Cost Share Program demonstrates how the BLM partners with local organizations to meet priorities for on-the-ground habitat, recreation, and cultural resource work. For example, in some very recent projects, federal funds have leveraged up to six times that amount in partner contributions. If confirmed, I would ensure that the BLM continues to use funding wisely to meet our multiple-use and sustained yield mission. We would be happy to discuss this request with you or your staff so that the Bureau can better understand the scope of the inquiry and provide the information that you seek.

#### RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR LEE

*Question 29.* Please identify any incident of groundwater contamination that directly resulted from hydraulic fracturing that was identified by BLM and served as

the catalyst for interjecting a major new rulemaking on top of what states are already doing?

Answer. It is a BLM responsibility to ensure that activities on public lands are carried out in a manner that protects public health, safety, and the environment. Existing BLM regulations governing hydraulic fracturing operations on public lands are more than three decades old and were not written to address modern hydraulic fracturing activities. As with all of its programmatic areas, the BLM is committed to maintaining regulations that keep pace with current conditions.

*Question 30.* Please identify any states and the appropriate regulatory agency that has failed to regulate hydraulic fracturing activity where that failure has resulted in actual environmental harm. Please cite the specific incident, if any.

Answer. As this Administration has expanded opportunities for safe and responsible domestic energy production on federal and tribal lands, the Department of the Interior has proposed common sense regulatory updates while also providing flexibility and facilitating coordination with states and tribal nations. The BLM incorporated input from members of the public, various stakeholders, states, tribal nations, industry, and many others when preparing the revised proposed rule. If confirmed, I will ensure that this input is fully considered in developing appropriate safety and environmental protections.

*Question 31.* What do you anticipate to be the annual costs to the BLM of being able to administer the proposed hydraulic fracturing rule?

Answer. The BLM would administer the hydraulic fracturing rule as part of its ongoing responsibilities to manage the oil and gas program. The BLM is reviewing more than 1.3 million comments received during the public review of the revised proposed rule and will be able to provide details on administrative requirements once the rule is finalized.

*Question 32.* Has BLM conducted any economic assessment of what impact this new rule might have upon its ability to effectively and efficiently process APDs, process renewable energy project applications, or even how the increased burden might divert resources from steadily increasing costs for the wild horse program?

Answer. As noted in the response to the previous question, the BLM is currently reviewing more than 1.3 million comments received during the public review of the revised proposed rule and will be able to provide details on administrative requirements once the rule is finalized. If confirmed, I will continue to work to ensure that the BLM supports its obligations, including the processing of drilling permits, renewable energy project applications, and the wild horse and burro program, along with our regulatory efforts related to oil and gas development on public lands.

*Question 33.* Has any direction of any kind, written or otherwise, been given to any personnel within the agency to not conduct wild horse gathers at this time? If so, might the promulgation of a new rule on BLM hydraulic fracturing divert resources from activities such as being able to conduct wild horse gathers?

Answer. The BLM is working closely with our individual BLM State Directors to evaluate gathers on a case-by-case basis.

If confirmed, I will continue to work to ensure that the agency meets its obligations, including our regulatory responsibilities related to oil and gas development on public lands.

*Question 34.* While it is clear that there will be some impact to other programs as BLM diverts its limited resources to duplicate state regulatory efforts, why has BLM not conducted any analysis of how this new regulatory effort might impact ongoing activities that BLM has stated are a priority?

Answer. The BLM is responsible for instituting and enforcing regulations that provide for safe and responsible development of oil and gas resources on public lands. Like its work in other resource areas, the agency takes seriously its responsibility for having regulations that are up-to-date and responsive to current operating realities.

*Question 35.* Does BLM plan to hire new personnel to administer this new hydraulic fracturing rule? BLM has sometimes had a difficult challenge in attracting people with highly technical capabilities to come to the agency because they can be paid substantially more in industry. Where will these new hires come from? Do you expect that the agency will attempt to hire away personnel from state agencies since those agencies have decades of experience already in regulating these activities while BLM does not?

Answer. The BLM is already working to fulfill its responsibilities related to oil and gas development at a time of increasing demand for trained personnel by both industry and government. The BLM is working to address challenges associated with recruitment and retention of applicants for skilled positions by looking closely at ways to get certified petroleum engineer technicians on the job more quickly and at ways to increase base salaries for petroleum engineers and technicians, which are

significantly less than salaries that are paid by industry. If confirmed, I look forward to continuing to work with you and other Members of Congress to identify new approaches to this ongoing challenge.

*Question 36.* Recently, the Utah BLM deferred nearly 100,000 acres from an auction that was scheduled to take place on November 19, 2013. The deferral occurred only days before the auction. Could you provide the documents supporting the decision to defer the acreage, including any emails referencing the decision to defer the acreage? What were the exact reasons for the deferral? Did the BLM, in deciding to defer the acreage, have any contact with outside groups prior to the deferral?

*Answer.* The BLM in Utah decided to defer certain parcels from the November 19 lease sale in order to provide additional time to address concerns about potential impacts to the Old Spanish National Historic Trail, cultural resources, and sensitive species. It is my understanding that the BLM Utah State Director met with a variety of stakeholders prior to the decision, including industry, state and county officials, conservation groups, and other federal agencies. I would be happy to meet with you to define the scope of your request for specific documents leading up to the decision to defer some of the parcels from the November 19, 2013, lease sale.

#### RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR RISCH

*Question 37.* Myself, along with Senator Crapo, would like to know more about your philosophy as it relates to collaborative problem-solving at the Bureau of Land Management. If you are confirmed, will you commit to fully implementing the Owyhee Initiative (Public Law 111-11) which is based upon collaborative problem-solving?

*Answer.* I am committed to using collaborative approaches to solving problems whenever possible. Bringing stakeholders together to address public land management issues is beneficial for the BLM, the public lands and their resources, and stakeholders. If confirmed, I will work with the BLM's Idaho State Director to ensure that the BLM continues to work collaboratively with the Owyhee Initiative and others to fully implement Public Law 111-11 and other statutes that govern the BLM's management of public lands.

*Question 38.* Myself, along with Senator Crapo, would like to know if you will direct the BLM to honor its commitments during the negotiations and legislative lead up to the law's passage in 2009, including the outstanding memorandum of understanding between the BLM and the Owyhee Initiative Board of Directors, inconsistent policies related to motorized herding in wilderness and execution of agreements associated with a "science review" process wherein range management experts review scientific assertions in environmental analyses required for National Environmental Policy Act compliance on any given allotment and make specific science-based recommendations on the management regime for that specific allotment?

*Answer.* The BLM values its partnership with the Owyhee Initiative Board of Directors and is committed to implementing Public Law 111-11, in addition to fulfilling its obligations under the Federal Land Policy and Management Act, National Environmental Policy Act, and other laws. If confirmed, I will work with the BLM Idaho State Director to ensure that the BLM continues close collaboration with the Owyhee Initiative Board, the Shoshone-Paiute Tribes and other stakeholders on wilderness management, range management and the application of best available science for public land management in Owyhee County.

#### RESPONSES OF NEIL KORNZE TO QUESTIONS FROM SENATOR LANDRIEU

*Question 39.* Mr. Kornze—what do you see as the future role of the BLM in the regulation of onshore oil and natural gas production—that is, do you see BLM assuming a greater regulatory role, or do you envision a balance between Federal and state regulation that allows those states currently doing a good job of regulating their oil and gas industries to continue to do so?

*Answer.* The BLM's multiple use and sustained yield mandate gives the agency a unique stewardship responsibility in the management of public lands and resources. The BLM implements its mandate in a highly collaborative manner, reaching out to all stakeholders and working closely with our fellow regulators, including states and tribal nations. If confirmed, I will continue to work closely with states, tribal nations, industry partners and others as we move forward with the President's all-of-the-above energy strategy.

*Question 40.* Do you agree that with the current delay in permitting compared to private lands has reduced the ability of Federal lands to contribute to the growth in domestic energy production? You mention a new leasing system to be rolled out in the coming months, could you detail the specifics of that plan and what effect

you envision it will have? Do you have other plans to streamline the permitting process?

Answer. The BLM has made important strides in oil and gas permitting in recent years. Industry now has nearly 7,000 approved drilling permits in-hand and available for use on public lands and minerals. As I mentioned in my testimony, the BLM is also developing a new electronic Application for Permit to Drill (APD) processing system to increase efficiency, which will track drilling permits through the entire process and provide greater transparency for the BLM, industry, and the public. Our plan is to pilot this electronic system in parts of Utah and New Mexico during the first half of 2014. Once the system is ready for broader deployment, it will be rolled out nationwide. If confirmed, I will ensure that the BLM continues to take advantage of opportunities like this to improve our permitting efforts and to provide greater certainty and predictability to industry.

*Question 41.* In response to the National Academy of Sciences findings, what specific efforts is BLM making to employ the use of immunecontraceptive technologies, reduce round-ups, and reform the management strategies that have been found lacking?

Answer. The BLM is currently evaluating the Wild Horse and Burro program in light of the recent National Academies of Sciences report and is adopting many of the recommendations outlined in the study. The BLM continues to make reforms to the Wild Horse and Burro program to ensure humane care, achieve financial sustainability, and promote ecological balance on the range. As part of the BLM's effort to limit population growth, the Bureau is working with the scientific and veterinary communities to develop longer-lasting population control tools. In 2014, the BLM intends to support several pilot efforts to develop and evaluate potential tools, including more effective immunocontraceptives. Pilot efforts supported by the BLM will be peer reviewed by a group of well-qualified scientists. In addition to facilitating the development of more effective population growth suppression tools, the BLM plans to implement improved population survey methods and to review its policy for establishing and adjusting Appropriate Management Levels. The BLM is also evaluating several options to reduce the numbers of animals in off-range holding facilities, including reforming the adoption program, partnering with new Federal, State, and non-profit partners to find good homes for animals, and exploring options for lower-cost off-range holding facilities. Each of these efforts will be grounded in the best available science and incorporate the input of interested stakeholders. If confirmed, I look forward to working with Congress to deal with the difficult challenges posed by management of wild horses and burros on public rangelands.



## APPENDIX II

### Additional Material Submitted for the Record

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STATEMENT OF THE AMERICAN SPORTFISHING ASSOCIATION • AMERICAN FLY FISHING TRADE ASSOCIATION • BERKLEY CONSERVATION INSTITUTE • BOONE & CROCKETT • THE CONSERVATION FUND • DELTA WATERFOWL • DUCKS UNLIMITED • IZAAK WALTON LEAGUE OF AMERICA • MULE DEER FOUNDATION • NATIONAL SHOOTING SPORTS FOUNDATION • THE NATURE CONSERVANCY • NORTH AMERICAN GROUSE PARTNERSHIP • PHEASANTS FOREVER • THEODORE ROOSEVELT CONSERVATION PARTNERSHIP • TREAD LIGHTLY • TROUT UNLIMITED • QUAIL FOREVER • WILD SHEEP FOUNDATION • WILDLIFE FOREVER • WILDLIFE MANAGEMENT INSTITUTE

Our organizations represent hunters, anglers, and outdoor enthusiasts throughout the United States. We write to you today to express our support for the nomination of Neil Kornze to become the next Director of the Bureau of Land Management.

In nominating Neil Kornze to lead the Bureau of Land Management, the President has selected a voice for the West who has helped forge solutions to some of the nation's most complex natural resource challenges. For more than a decade, Neil has helped ensure that the priorities of sportsmen and Western communities are heard in Washington and reflected in the nation's energy and public lands policies.

As Principal Deputy Director of the Bureau of Land Management (BLM), Neil has applied an effective brand of listening and leadership to help the organization modernize key functions for the benefit of the public. In particular, Kornze has placed a focus on implementing the Secretary's onshore oil and gas leasing reforms, including enhanced public input, siting energy development in areas of minimal conflict, driving landscape-level planning efforts, and dramatically expanding the agency's use of technology for energy permitting and land surveys. In doing so, Neil has shown that with smart policies and careful planning the U.S. can balance energy development on public lands with conservation and recreation.

In particular, sportsmen worked effectively with Kornze to effectively launch and site solar development on public lands. He heard our concerns, and worked with us and with industry to balance conservation of critical wildlife habitat with utility-scale development. Today, we are on track to meet the goal of having sufficient renewable energy capacity on public lands to power more than 6 million homes by 2020.

In conclusion, Neil has demonstrated the qualities that the hunting and fishing communities expect in a BLM Director. We are very encouraged that he has been nominated him to this crucial post and encourage you to approve his nomination as soon as possible.

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CALIFORNIA NATURAL RESOURCES AGENCY,  
Sacramento, CA, December 10, 2013.

Hon. RON WYDEN,  
*Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC,*

Hon. LISA MURKOWSKI,  
*Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.*

DEAR SENATORS WYDEN AND MURKOWSKI,

I write to offer my strong support of President Obama's appointment of Neil Kornze as Director of the Bureau of Land Management (BLM).

In his present role at BLM's principal deputy director, Mr. Kornze has been an effective manager of the agency and its 245 million acres of public lands. He is a leader who is open-minded and inclusive toward the perspectives of states and stakeholders. His understanding of the role of federal lands in the West, particularly

for the potential for renewable energy generation is of significant interest to California. Of note, Neil has a demonstrated history in supporting Native American consultation, especially as it relates to oil, gas and renewable energy development.

Mr. Kornze's collaborative style, approach to western states and experience within the Department of Interior will serve him well as he addresses the many resource management issues that the Bureau of Land Management oversees.

I strongly urge the committee to undertake his nomination and support confirmation of Neil Kornze as the next Director of the Bureau of Land Management.

Sincerely,

JOHN LAIRD,  
*Secretary for Natural Resources,  
State of California.*

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NEW MEXICO GREEN CHAMBER OF COMMERCE,  
*Albuquerque, NM, November 8, 2013.*

Hon. RON WYDEN,  
*Chairman, Senate Committee on Energy and Natural Resources, 304 Dirksen Senate  
Building, Washington, DC,*

Hon. LISA MURKOWSKI,  
*Ranking Member, Senate Committee on Energy and Natural Resources, 304 Dirksen  
Senate Building, Washington, DC.*

DEAR CHAIRMAN WYDEN AND SENATOR MURKOWSKI: The New Mexico Green Chamber of Commerce (NMGCC) and its local chapters represent businesses dedicated to building healthy economies in New Mexico's diverse communities. We write to you today to support the confirmation of Neil Kornze as the next Director of the Bureau of Land Management (BLM).

New Mexico is ranked 2nd in the nation for solar potential, 12th for wind potential, and has vast untapped geothermal and biomass resources. We believe Mr. Kornze's leadership and hands-on experience launching responsible solar and wind energy projects on federal lands will help create jobs and investment in New Mexico's local economies through clean energy development.

Last year, Mr. Kornze listened to the NMGCC, our congressional delegation and other local stakeholders seeking to protect the Rio Grande del Norte National Monument near Taos. Already, the BLM reports that the monument has seen a 40 percent increase in visitation—bolstering the local economy and local employers. We look forward to working with him to ensure our small business perspective is included in the new monument's management planning.

We also look forward to the opportunity to educate Mr. Kornze about our members' interests in seeing the Organ Mountains-Desert Peaks BLM lands protected in Southern New Mexico. An economic study we commissioned shows that a monument designation could infuse the local economy with \$7.4 million, nearly double the number of tourism jobs available to residents, and over \$500,000 annually in local and state tax revenue.

Mr. Kornze has shown he understands and appreciates that New Mexico's economy is closely tied to its public lands. Should he be confirmed, we look forward to the opportunity to continue working with Mr. Kornze to ensure our perspective is considered in the BLM's balanced public lands policies.

Sincerely,

LAURA E. SANCHEZ, ESQ., CEO.

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*November 8, 2013.*

Hon. RON WYDEN,  
*Chairman, Senate Committee on Energy and Natural Resources, 304 Dirksen Senate  
Building, Washington, DC.*

SENATOR WYDEN:

We wish to express our support for the nomination and swift confirmation of Neil Kornze to serve as Director of the Bureau of Land Management. BLM lands are extremely important to sportsmen across the west but particularly in New Mexico where over 90 percent of our residents hunt on public land. In nominating Mr. Kornze, the President has chosen a voice for the west and common-sense conservation to lead this vital agency.

Since March 1, 2013, Mr. Kornze has been leading the BLM as the agency's Principal Deputy Director, and prior to serving in his current role; Mr. Kornze was the BLM's Acting Deputy Director for Policy and Programs starting in October 2011.

Mr. Kornze joined the organization in January 2011 as a Senior Advisor to the Director.

Before coming to the Bureau of Land Management, Mr. Kornze worked as a Senior Advisor to U.S. Senate Majority Leader Harry Reid of Nevada, while in that role Mr. Kornze worked in cooperation with Senator Jeff Bingaman of New Mexico to develop and pass the nation's most significant public lands legislation in recent memory, The Omnibus Public Lands Act of 2009.

As a leader in the BLM's move toward landscape-scale planning, and as one of the architects of the largest land conservation legislation in a generation, Neil has shown that—with smart policies and careful planning—the U.S. can safely encourage energy development on public lands while also expanding opportunities for hunting, fishing, and outdoor recreation.

Mr. Kornze's reputation for working with all stakeholders for common-sense solutions has been proven in New Mexico where he traveled to the Northern New Mexico to hear directly from sportsmen and other community members prior to the broadly supported Rio Grande del Norte National Monument designation—which will protect hunting, fishing and habitat for the future in one of the west's most spectacular landscapes. We look forward to working with Mr. Kornze as we move closer to permanent protection for the iconic Organ Mountains/Desert Peaks area in Southern New Mexico.

As New Mexico sportsmen we wish to again express our strong support for swift confirmation of Neil Kornze to Director of the BLM.

Sincerely,

OSCAR SIMPSON, CHAIRMAN,  
*Backcountry Hunters and Anglers, New Mexico Chapter,*  
 JOHN CORNELL, PRESIDENT,  
*Dona Ana County Associated Sportsmen,*  
 RAY TREJO, PRESIDENT,  
*New Mexico Wildlife Federation,*  
 SANFORD SCHEMNITZ, CHAIRMAN,  
*Southwest Consolidated Sportsmen,*  
 MAX TRUJILLO, PRESIDENT,  
*Sportsmen Concerned of Northern New Mexico,*  
 TONER MITCHELL, NEW MEXICO PUBLIC LANDS COORDINATOR,  
*Trout Unlimited.*

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OUTER CONTINENTAL SHELF COALITION,  
*December 16, 2013.*

Hon. LISA MURKOWSKI,  
*Ranking Member, Committee on Energy and Natural Resources, U.S. Senate, 304*  
*Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR MURKOWSKI,

I am writing on behalf of the Outer Continental Shelf (OCS) Governors Coalition, which is a group of coastal state governors who joined together in May 2011 to promote a constructive dialogue on OCS energy-resource planning and development among coastal state governors and federal policy makers. Currently, I serve as chair of the Coalition. On behalf of the Coalition, I respectfully request that you consider addressing the topics listed below with Assistant Secretary of the Interior for Land and Minerals Management-Designate Janice Schneider during her confirmation hearing before your committee on December 17, 2013.

As you know, all federal decisions regarding energy exploration and production on the OCS must be made in consultation with affected states. However, in recent years, the federal government has had little consultation with the states before taking significant actions affecting OCS energy development. For this reason, the governors have joined the Coalition to foster a more productive dialogue between the federal government and the coastal states on energy-resource evaluation, sustainable resource development, and other OCS policy matters.

Should she be confirmed, the OCS Governors Coalition hopes to cultivate a substantive, ongoing dialogue with Ms. Schneider on the opportunities and challenges facing offshore energy development and the roles that coastal states play in the development and execution of federal OCS policy.

## ITEMS OF INTEREST FOR DISCUSSION WITH MS. SCHNEIDER

1. One of the core missions of the OCS Governors Coalition is to promote a constructive dialogue with federal policy makers on decisions affecting offshore development. Unfortunately, over the past few years, the governors have been concerned with the lack of communication between state and federal officials, particularly in regard to the development of offshore leasing plans.

a. Of note, President Obama canceled Lease Sale 220 off Virginia in December 2010 without sufficient consultation with the Commonwealth of Virginia. The bipartisan leadership in Virginia has clearly indicated multiple times that it supports a leasing program in the Atlantic, and Governor McDonnell has addressed the Administration's concerns about safety and spill containment infrastructure and coordination with military operations in the area.

b. Similarly, prior to release of the proposed Final Outer Continental Shelf Oil and Natural Gas Leasing Program for 2012-2017, the State of Alaska was not consulted on the Department of the Interior's decision to postpone lease sales off Alaska one year from the initial timeframe.

c. Understanding the multiple stakeholder conversations that go into planning a leasing program, can you discuss the legal and otherwise appropriate role for the input of state governments? What actions would you take to ensure sufficient and ongoing input from the states?

2. A second priority for the OCS Governors Coalition is the pace of permitting for OCS oil and natural gas operators. Following the temporary deepwater drilling moratorium in 2010, operators experienced significant delays in plan and permitting approval. Even though operators in the Gulf of Mexico are starting to return to pre-Macondo operation levels, several concerns with the inefficient and inconsistent regulatory regime for offshore operators remain.

a. What measures can be taken by the Department of the Interior to ensure a more timely and consistent regulatory framework for all operators without sacrificing environmental safety?

3. In a previous meeting of the governors, we each agreed that revenue sharing of royalties generated from offshore leasing and energy production should be shared equally with all coastal states that produce energy—either traditional or renewable—off their respective shores. These revenues are critical for funding state coastal restoration and conservation efforts as well as other state programs. While Texas, Louisiana, Mississippi, and Alabama (all OCS Governor member states) benefit from revenue sharing that is capped and can only be used for limited purposes, Alaska and states along the Atlantic coast are not eligible for revenue sharing.

a. Do you believe there should be consistency on revenue sharing for all coastal states?

4. Virginia Governor McDonnell, North Carolina Governor McCrory, and South Carolina Governor Haley—all of whom are members of the Coalition—support the opening of the Atlantic for oil and natural gas exploration. The Bureau of Ocean Energy Management is working on a Programmatic Environmental Impact Statement (PEIS) for geological and geophysical activity in the Atlantic in order to allow seismic surveyors to uncover the true potential of the resources in that region. The PETS review has already lasted nearly four years and the coalition has continuing concerns that further delays could ultimately forestall Atlantic leasing. At the same time, we are pleased that Bureau of Ocean Energy Management (BOEM) Director Tommy Beaudreau recently acknowledged that the Interior Department can proceed with including Atlantic leasing in the next five year plan, even if new seismic data has not yet been collected.

a. Can you please discuss your thoughts on including additional leasing opportunities in the Department's 2017-2022 leasing plan?

5. A recent report released by the Woodrow Wilson International Center for Scholars recommends that lease terms in the Arctic OCS be lengthened to ensure that operators have sufficient time to recoup the large capital investment required to extract resources in this region. Currently, lease terms are ten years in the Arctic. Greenland allows for 16 year extensions of leases, and Canada permits companies to retain leases indefinitely if oil or gas is found within the initial nine year lease timeframe. The report suggests that a combination of the

Greenland and Canadian lease frameworks would be appropriate in the American Arctic.

a. Could you please discuss your thoughts on the possibility of expanding the lease timeframe with respect to the Arctic OCS to ensure that operators are able to operate efficiently in a frontier region?

Thank you for consideration of these important matters as you prepare for the December 17th hearing.

For general information on the Coalition and its members, please visit our website at <http://www.ocsgovernors.org/>. If you have any questions, or if the OCS Governors Coalition can be of any further assistance, please contact Kip Knudson, my Director of State and Federal Relations for the State of Alaska, at 202-624-5858 or via email at [kip.knudson@alaska.gov](mailto:kip.knudson@alaska.gov).

Best regards,

SEAN PARNELL, GOVERNOR OF ALASKA,  
*Chair.*

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SPORTSMEN FOR RESPONSIBLE ENERGY DEVELOPMENT,  
*December 17, 2013.*

Hon. RON WYDEN,  
*Chair, Energy and Natural Resources Committee, U.S. Senate, Washington, DC,*

Hon. LISA MURKOWSKI,  
*Ranking Member, Energy and Natural Resources Committee, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN WYDEN AND RANKING MEMBER MURKOWSKI:

On behalf of the Sportsmen for Responsible Energy Development (SFRED) coalition and its founding partners the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership, and Trout Unlimited, we write in support of the confirmation of Neil Kornze as Director of the Bureau of Land Management (BLM). SFRED is a coalition of more than 1,000 businesses, organizations and individuals dedicated to conserving irreplaceable habitats so future generations can hunt and fish on public lands. The role of the BLM Director is an important one to SFRED. The BLM's 248 million surface acres include valuable fish and wildlife habitats and many popular places to fish and hunt. These lands also provide timber, minerals, renewable energy, and other resources. To be effective in leading the BLM, the Director must understand the importance of balancing the multiple uses of public lands.

During his time on Capitol Hill and in recent years at the BLM, Mr. Kornze has demonstrated a pragmatic, solutions-oriented approach to public lands challenges. For example, Mr. Kornze played a key role in creating a plan for the development of solar energy on public land in the West which carefully considered the input of hunters and anglers in order to better balance energy development with the conservation of important fish and wildlife habitat. In addition, his leadership in developing a large-scale mitigation strategy is a big step in the right direction for engaging sportsmen in lessening the impacts to fish and wildlife habitat from development on public lands.

Much work remains to be done on BLM lands to ensure that the concerns of sportsmen/-women are fully considered in the management, conservation and development of our public lands. Energy development on our public lands provides great benefits but it must be done in a way that sustains our invaluable fish and wildlife heritage.

SFRED supports the nomination of Neil Kornze and is looking forward to working with him to ensure that energy is developed in a responsible manner that accommodates true multiple use on our public lands. We urge the committee to confirm him for the position of BLM Director.

Sincerely,

LARRY SCHWEIGER, PRESIDENT AND CEO,  
*National Wildlife Federation,*

WHIT FOSBURGH, PRESIDENT AND CEO,  
*Theodore Roosevelt Conservation Partnership,*

CHRIS WOOD, PRESIDENT AND CEO,  
*Trout Unlimited.*

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